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Ontario - Royal commission inquiring into labour disputes

Hearings

v. 33 May 1967







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ROYAL COMMISSION  
INQUIRY INTO LABOUR DISPUTES

5634

HEARINGS HELD AT

TORONTO

VOL. NO.

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*Official Reporters*

NETHERCUT & YOUNG LIMITED  
48 YORK STREET  
TORONTO 1, ONTARIO  
TELEPHONE 363-3111



1 Nethercut & Young

2 Toronto, Ontario

3  
4 IN THE MATTER OF The Public  
5 Inquiries Act, R.S.O. 1960,  
6 Ch. 323

7 - and -

8  
9 IN THE MATTER OF an Inquiry  
10 Into Labour Disputes

11 BEFORE: The Honourable Ivan C. Rand,  
12 Commissioner, at 123 Edward  
13 Street, Toronto, Ontario, on  
14 Thursday, May 4th, 1967.

15 E. Marshall Pollock Counsel to the Commission

16 APPEARANCES:

17 Mr. W.T. Mathers ) The Motor Transport  
18 )  
19 Mr. R.G. Teakle ) Industrial Relations  
20 )  
21 Mr. J.D. Donaldson ) Bureau of Ontario  
22 )  
23 Mr. J.A. Taylor )  
24 )  
25 Mr. D.J. Leatherdale )







1 and Quebec.

2 THE COMMISSIONER: Is that  
3 confined to automobiles?

4 MR. DONALDSON: Yes, to new  
5 automobiles and new trucks, Your Honour.

6 THE COMMISSIONER: And not  
7 parts?

8 MR. DONALDSON: No. The  
9 general freight carrier is the one who hauls  
10 parts to the plants.

11 THE COMMISSIONER: You say  
12 these licences are between points and along  
13 certain highways?

14 MR. DONALDSON: That is  
15 right and there is a certain type of licence  
16 which is known as a "C" licence, which  
17 authorizes a carrier to operate a full load  
18 to and from, say, Toronto. He can only  
19 haul a full load, whereas the "A" carrier  
20 is licenced to operate between Toronto-  
21 Montreal and Toronto-North Bay.

22 THE COMMISSIONER: Or to  
23 intermediate points?

24 MR. DONALDSON: Right, sir.  
25 Our contracts are with, by far majority, the  
26 Teamsters' Union. We deal with, in the case  
27 of the general freight haulers, Teamsters'  
28 Local 880, which covers the area of Windsor,  
29 Chatham, St.Thomas, Sarnia. I am sorry, not  
30 St.Thomas. Local 141 in London covers London,



1 St. Thomas and the various neighbouring communities  
2 around there. Local 879 in Hamilton, has  
3 jurisdiction basically from Owen Sound south  
4 to St. Catharines, Welland, Brantford, Galt  
5 and all through that area. The largest local  
6 is Local 938 which has its headquarters here  
7 in Toronto. Now this local covers the area  
8 from Kapuskasing south to Toronto and from  
9 Toronto east to Cobourg. Local 91 in Kingston,  
10 covers the geographical area east of Cobourg  
11 through to the Quebec border. Local 108,  
12 Montreal covers, basically, the entire Quebec  
13 Province.

14 MR. POLLOCK: Who has the  
15 Lakehead?

16 MR. DONALDSON: The Lakehead  
17 is Local 990 of the Teamsters.

18 MR. POLLOCK: And they run  
19 into Manitoba?

20 MR. DONALDSON: Right, sir.

21 MR. POLLOCK: You don't have  
22 any truckers running out of the Lakehead?

23 MR. DONALDSON: Yes, there  
24 are two companies, Lakehead Freightways Limited  
25 and Kingsway Freight Lines.

26 MR. POLLOCK: Do you bargain  
27 on their behalf?

28 MR. DONALDSON: Yes, with  
29 Local 990.

30 MR. POLLOCK: And you also



1 bargain with Local 106 for the Quebec people?

2 MR. DONALDSON: That is right.

3 MR. POLLOCK: The bulk of your  
4 bargaining is done, I understand, for the first  
5 five locals?

6 MR. DONALDSON: Yes. Our  
7 contracts are divided in accordance with the  
8 type of industry that the particular carrier  
9 is in. When we refer to the general freight  
10 industry, we are talking about Direct Winters,  
11 Smith Transport, Kingsway and Inter-City.  
12 This is the general freight hauler, whether  
13 he be full load or what we refer to as less  
14 than truck load carrier.

15 Now, some 55 of the Bureau's  
16 member companies have agreements with five  
17 locals of the Teamsters, those are the five  
18 Ontario locals, and this is what is known  
19 as the general agreement. This agreement  
20 covers general freight haulers in the southern  
21 portion of Ontario. There is a corresponding  
22 agreement to cover the maintenance people,  
23 the skilled mechanics and semi-skilled and  
24 unskilled are under a separate agreement with  
25 the locals.

26 MR. POLLOCK: And the Teamsters  
27 represent them as well?

28 MR. DONALDSON: Yes. In the  
29 north there is also a general freight agreement  
30 covering areas basically north of Barrie, from



1 Barrie through to Kapuskasing. This is with the  
2 Toronto local only.

3 In the some twenty years that  
4 the Bureau has been dealing with the locals of  
5 the Teamsters' Union, the carriers have been  
6 harassed by a series of illegal walk-outs and  
7 are not concentrated in any one particular  
8 local or any one particular section of the  
9 industry. Now, this has been a continuing  
10 problem as far as we are concerned and this  
11 is the major problem facing this industry,  
12 how to control wildcat strike situations.  
13 The wildcat strike, and of course the legal  
14 strike in the trucking industry, is always,  
15 unfortunately, accompanied with violence.

16 We have listed in our brief to  
17 the Commission, various appendices dealing,  
18 in which we have reprinted various newspaper  
19 reports of violence occurring during the more  
20 predominant periods of wildcat and legal  
21 strike actions. We would like, if we could, to  
22 place before you, our brief which we hope is  
23 more of a practical brief of what our experiences  
24 have been and what we, as an industry feel can  
25 help us. First of all, we would like to deal with  
26 the question of the necessity for an injunction  
27 procedure as far as this industry is concerned.

28 MR. POLLOCK: Before you get into  
29 that, Mr. Donaldson, before getting into the  
30 background of the structure of the union, perhaps



1 you could help us. There are these five main locals  
2 and then, I understand, there is something called  
3 the Joint Council.

4 MR. DONALDSON: That is right.

5 MR. POLLOCK: Would you explain  
6 how that fits into the picture.

7 MR. DONALDSON: Besides the five  
8 local unions that we deal with primarily, there  
9 are a number of other local unions and they have  
10 what they call a Joint Council, which is a controlling  
11 body over the local unions in a certain geographical  
12 area. The Joint Council in Toronto is Joint Council  
13 Number 52, of which ----

14 THE CHAIRMAN: This is an employee's?

15 MR. DONALDSON: This is an  
16 employee organization, yes. The five locals belong  
17 to that and in addition, the miscellaneous Teamsters'  
18 locals. It is a sort of central coordinating body  
19 for that area.

20 THE CHAIRMAN: Well, what are these  
21 other outside locals you speak of, outside of the five?

22 MR. DONALDSON: There is Local  
23 419, for instance, which has jurisdiction over  
24 local cartage, it is a party to it. There is  
25 Local 230, which is the ready-mix building supply  
26 local, it is a party to it. There is Local 647,  
27 the milk local, and it is a party to it.

28 MR. POLLOCK: So that the five  
29 locals that you listed are the over-the-road locals?

30 MR. DONALDSON: That is right.



1                           MR. POLLOCK: And they also  
2 represent the mechanics?

3                           MR. DONALDSON: Yes.

4                           MR. POLLOCK: Do they also represent  
5 dockmen and everybody else?

6                           MR. DONALDSON: Yes, dockmen, drivers,  
7 both highway and city.

8                           MR. POLLOCK: All of the employees  
9 of over-road truckers would be represented by these  
10 five locals?

11                          MR. DONALDSON: That is right.

12                          THE COMMISSIONER: What do you mean  
13 by "over-the-road"?

14                          MR. DONALDSON: It is the inter-  
15 urban type of carrier.

16                          THE COMMISSIONER: As distinguished  
17 from the purely local set-up?

18                          MR. DONALDSON: Right.

19                          MR. POLLOCK: And there are Joint  
20 Councils in, I would assume, Windsor, London,  
21 Hamilton, Kingston as well?

22                          MR. DONALDSON: No, the Joint  
23 Council in Toronto encompasses these other local  
24 unions.

25                          MR. POLLOCK: Is there only one  
26 Joint Council for Ontario?

27                          MR. DONALDSON: That is right.  
28 That is No. 52.

29                          THE COMMISSIONER: And that takes  
30 in the outside rather than the five?



1 MR. DONALDSON: It takes in the  
2 five plus the outside locals.

3 MR. POLLOCK: So what is the size  
4 of the Joint Council? Have you any idea of the  
5 number of member locals?

6 MR. DONALDSON: It would be  
7 approximately 12 to 15.

8 MR. POLLOCK: You don't have any  
9 official bargaining relationship with the Joint  
10 Council?

11 MR. DONALDSON: No.

12 MR. POLLOCK: Do they participate  
13 in any other way with your organization?

14 MR. DONALDSON: No.

15 THE COMMISSIONER: And they include  
16 all carriers?

17 MR. DONALDSON: Right.

18 THE COMMISSIONER: Including the  
19 five primary and all the subordinate locals.

20 MR. DONALDSON: The miscellaneous,  
21 yes.

22 THE COMMISSIONER: What is the  
23 function of the Council?

24 MR. DONALDSON: The Council is the  
25 coordinating body that has been set up under the  
26 International Constitution which has control over  
27 the aims and objectives of the union as an  
28 institution.

29 MR. POLLOCK: Well, it fixes  
30 the general principles of action?



MR. DONALDSON: Yes. The structure of the Teamsters, in general, is divided, the International is divided into Canada and the United States and what they refer to as Western Conference, Central Conference and the Eastern Conference. These are the three top divisions.

THE COMMISSIONER: That includes the United States and Canada?

MR. DONALDSON: Yes, and then there is the Southern States division. And within each of these Conferences, there are Joint Councils set up.

THE COMMISSIONER: It doesn't deal with specific arrangements as between employer and employee?

MR. DONALDSON: No.

MR. POLLOCK: Now, in your joint negotiations you have a bargaining committee?

MR. DONALDSON: Yes.

MR. POLLOCK: Drawn from all of the five members?

MR. DONALDSON: All of the five  
locals, yes.

MR. POLLOCK: And there would be one or two representatives from each one?

MR. DONALDSON: It has been as high at times, as ten from each one.

MR. POLLOCK: So you would have up to 50 people bargaining?

MR. DONALDSON: Yes.



MR. POLLOCK: Do they have any type of internal structure in the bargaining committee as to the chairman and these other people?

MR. DONALDSON: Yes, they do appoint a chairman as witness our last negotiations, Mr. Ken McDougall, the then President of the Toronto Local was chairman up until early February of 66, at which time, he was replaced by Mr. Ray Taggart, the President of the Hamilton Local.

MR. POLLOCK: The internal constitution of this bargaining committee is up to the local unions and they will nominate a number of people and it is up to them how many they put in?

MR. DONALDSON: Right.

MR. POLLOCK: At your bargaining sessions, do you find that everybody has something to contribute or is it confined largely to negotiations with the chairman and the other people there for his assistance?

MR. DONALDSON: We find only too often that these employee representatives, other than full time business agents, shall we say, of the local union, are speaking on each and every subject. When you are talking with 50 people, it makes it rather an unruly type of arrangement.

MR. POLLOCK: And your organization would have how many at the table?

MR. DONALDSON: We have, at the most, eleven. The ten board of directors of the Bureau and myself.



THE COMMISSIONER: Would you negotiate, then, as one agreement?

MR. DONALDSON: We negotiate one master agreement covering all employees of all the companies in southern Ontario.

MR. POLLOCK: And then in that master agreement, would it have all of the terms and conditions of employment?

MR. DONALDSON: Yes.

MR. POLLOCK: And do the individual members of your organization sign the agreement individually?

MR. DONALDSON: No, the Bureau has power of attorney to sign the general agreement on behalf of its member companies. Subsequent to the signing of the general agreement, there is an individual agreement drawn up between that particular local union and the particular company and the purpose of this agreement is for administration purposes only. In other words, if an employee has a grievance, the grievance is dealt directly with his own company and not with a group of companies.

MR. POLLOCK: I see. The provisions are decided in this group negotiation, like the laws, I suppose, and then they are reflected in the local situation between the employer and the employees and the internal operation of the collective agreement is the responsibility of the two parties?

MR. DONALDSON: That is right.



1 THE CHAIRMAN: And you say in the  
2 local agreement there are only those provisions  
3 which are contained in the general?

4 MR. DONALDSON: Yes, it is identical  
5 in every way, shape and form to this document  
6 with the exception that it is between a company  
7 and a local union.

8 THE COMMISSIONER: What is the  
9 object of that if the terms are precisely the same?

10 MR. DONALDSON: To keep the dealings  
11 on the day-to-day administration of the collective  
12 agreement between the local union in that area and  
13 that particular company.

14 THE COMMISSIONER: But that is  
15 provided for by the main agreement, isn't it?

16 MR. DONALDSON: No, it is not,  
17 Your Honour. The main agreement is between a  
18 group of companies and a group of local unions.

19 THE COMMISSIONER: I know that, but  
20 doesn't the main agreement say that this shall  
21 apply severally, to every local?

22 MR. DONALDSON: No, it doesn't,  
23 Your Honour, and this was the reason for it. As I  
24 was saying, gentlemen, the question of the need  
25 for injunctions in this industry arises mainly from  
26 the harassment of the Teamsters as far as wildcat  
27 strikes are concerned, and too often the strikes  
28 are accompanied by violence, punctured tires,  
29 slashed brake lines, trailers being set on fire,  
30 trucks going along the highway and the pins being



1 pulled out and the trailers falling to the ground.  
2 With the rash of wildcats, and the ensuing violence,  
3 we find all too often that we have got to resort to  
4 the injunctive procedure to try and force the  
5 existing law. And in many cases, companies have  
6 terminals in smaller communities, for instance,  
7 where there is a small local police force and the  
8 strike ensues at this community with 40 or 50  
9 employees, the local police force is unable to  
10 control it.

11 THE COMMISSIONER: Have you ever  
12 tried some form of your own police force?

13 MR. DONALDSON: No, we have never,  
14 sir.

15 THE COMMISSIONER: I have in mind  
16 the Brinks people. They have these trucks armed  
17 and, of course, you have to have legislative  
18 approval, it is to give them a status - that is  
19 the members.

20 MR. DONALDSON: Well, some of our  
21 companies, Your Honour, are owned by railways, both  
22 the Canadian National and the Canadian Pacific, and  
23 they do have their own recognized police force.

24 MR. POLLOCK: Well, some of your  
25 companies have security forces of some kind and I  
26 imagine some of them employ Pinkerton and security  
27 services.

28 MR. DONALDSON: That is right.

29 THE COMMISSIONER: In their cases,  
30 what are the results of that? Is there a substantial



1 security?

2 MR. DONALDSON: Not to that extent,  
3 Your Honour. There may be one security guard  
4 on at night when the terminal is closed and this  
5 is the extent in most cases of the company's security.

6 MR. POLLOCK: It is generally, sort  
7 of night watchman to tend fires and all that?

8 MR. DONALDSON: Yes, and we find  
9 that when the strikes break out in small communities,  
10 the police, as a matter of fact, welcome the  
11 companies getting an injunction to control this  
12 large mob. Because we have situations where a  
13 company is struck, and the pickets from that company  
14 go to another company and try to shut it down. If  
15 they are successful, then they move on to another  
16 one, and the further this goes, the larger it gets.

17 MR. TEAKLE: It spreads from centre  
18 to centre, if I might supplement. It could start  
19 in Hamilton and spread to Toronto and it could  
20 start in Windsor and spread to London. It moves  
21 all over the place.

22 MR. POLLOCK: And these people move  
23 with it, it is not just the idea ----

24 MR. TEAKLE: No, people move with  
25 it as well and create a major conflagration.

26 THE COMMISSIONER: If it could be  
27 confined to a particular employer who is struck ---

28 MR. DONALDSON: Not necessarily,  
29 Your Honour. In September and October, 1965, we  
30 were negotiating our major agreement, we had wildcat



strikes break out in Toronto. We were at the conciliation officer stage.

THE COMMISSIONER: Was that against one company or a number of companies?

MR. DONALDSON: It started out, Your Honour, against about three companies in the west end of Toronto. The pickets spread all across Toronto and were successful in closing down practically 90 per cent of the companies in the Toronto area.

THE COMMISSIONER: It is the employees of these other companies who left their work too?

MR. DONALDSON: Right, and from this the picket line spread and car loads of people went to Oshawa and closed the City of Oshawa down.

THE COMMISSIONER: Then it is  
really a strike of the whole organization?

MR. DONALDSON: Yes, it is. Car loads went to London and Windsor and were successful in closing down some operations there.

THE COMMISSIONER: Although the justification arises against one company?

MR. DONALDSON: Right.

MR. POLLOCK: Well, let me pursue that. Is there any reason given for the particular strike against one company? In some cases the cause is an industrial circumstance for a wildcat action and it would be the dismissal of an employee or something that is personally related to the working conditions of this employer. Now is that the case



1 in the wildcat situations that you experienced?

2 MR. DONALDSON: It is in some cases  
3 but in the September and October, 1965 situation,  
4 it was a rebel group within the Toronto local who  
5 were trying to unseat the President, and were using  
6 our memorandum of agreement which was reached on  
7 September 30th as the excuse for it, and this group  
8 went and organized the strike in Toronto, while we  
9 were trying to negotiate and the present incumbent,  
10 Mr. Ken McDougall, was out trying to get them back  
11 to work.

12 THE COMMISSIONER: What was the  
13 professed reason, at the outset?

14 MR. DONALDSON: To enforce contract  
15 demands. They said, "No contract, no work as of  
16 September 30th".

17 THE COMMISSIONER: When the contract  
18 had then expired?

19 MR. DONALDSON: Yes, but we were  
20 at the conciliation officer stage.

21 THE COMMISSIONER: You had not  
22 finished conciliation?

23 MR. DONALDSON: No, we didn't finish  
24 conciliation and the Board's report was handed down  
25 provincially, and it was handed down federally  
26 on December 23rd.

27 MR. POLLOCK: There are, in your  
28 experience, two kinds of wildcat actions. There is  
29 the action taken of the kind I averted to before  
30 in defiance of the breach of the contract which, I



1 presume calls for a grievance procedure, they pulled  
2 out against one employer who is causing them some  
3 difficulty, and then there is this other kind, and  
4 what it really is, in some cases it might be  
5 described as a bargaining tactic, jumping the gun,  
6 so to speak, or it might be an internal political  
7 tool to show a lack of confidence in the incumbent  
8 leadership. And this is what you say it is  
9 in the case to which you refer?

10 MR. DONALDSON: Right, and in 1959  
11 we had a rash of wildcats in Toronto. As a matter  
12 of fact, the entire city was closed down within  
13 five days.

14 THE COMMISSIONER: But their  
15 professed reason was that the negotiations were  
16 unsatisfactory? The negotiations for a general  
17 contract?

18 MR. DONALDSON: Right, and at that  
19 stage, Your Honour, we had reached the stage and  
20 it had been ratified.

21 THE COMMISSIONER: But that is  
22 what they professed.

23 MR. POLLOCK: I think, from the  
24 appendices that are provided us with your brief,  
25 some of these transportation topics, they seem  
26 to indicate that their claim is they are not getting  
27 enough from the companies and that the negotiating  
28 committees representing the governing party, if I  
29 can call it that, of the union, is in cahoots or is  
30 in collusion with the employer in keeping the general



Toronto, Ontario

1 membership in bondage.

2 MR. DONALDSON: This is it, generally.

3 THE COMMISSIONER: Do they come  
4 out squarely and declare that that is their reason?

5 MR. DONALDSON: Yes, as you will notice  
6 in some of them, they accuse the former president  
7 of the Toronto Local, as being virtually in the  
8 vest pocket of the employers.

9 MR. POLLOCK: Living high on the  
10 hog on lobster and steak.

11 MR. DONALDSON: "While we eat  
12 bologna", I think the phrase is. But this type  
13 of political upheaval, the refusal to follow  
14 the grievance procedure, the Teamsters seem to  
15 adopt this attitude that it is better to strike  
16 or pull a wildcat; it is quicker to get things  
17 settled. And this has been their basic philosophy.  
18 In a service industry a half hour strike to a  
19 carrier is just as serious as a two or three day  
20 strike.

21 MR. POLLOCK: Perhaps more serious  
22 than a longer strike for which you have notice and  
23 you can advise your clients, under the ordinary  
24 collective bargaining type of strike, at an open  
25 period, your clients would be able to make arrange-  
26 ments for alternate transportation in some cases.

27 MR. DONALDSON: Yes. You see, some  
28 of our carriers are specialized haulers and haul  
29 nothing but meat and frozen food. A one-day strike  
30 there would cost thousands of dollars damage and



1 spoil the goods.

2 THE COMMISSIONER: Is there any  
3 substitute for that? If you are struck, is there  
4 any other means of transportation?

5 MR. DONALDSON: No, because in most  
6 cases the goods are all tied up in the terminal. We  
7 can't get them out, our employees won't go to work  
8 and other carriers won't cross the picket lines.

9 THE COMMISSIONER: Well, I had in mind  
10 the carriage of meat, say. In the packers it is  
11 in refrigeration and it is taken out of that and  
12 put in the terminal?

13 MR. DONALDSON: It is put into  
14 refrigerated trucks which are brought back to the  
15 terminal for dispatch over the highway, and if  
16 they get four or five of these tied up in the yard  
17 for a day, it is either spoiled or, in cases of  
18 food products where they have a sale on, for  
19 instance, on particular days of some item, they are  
20 shipping usually the day before and if it is held  
21 up for one day, it is no good to the grocer.

22 THE COMMISSIONER: Then the  
23 refrigeration process isn't designed to keep them  
24 indefinitely.

25 MR. DONALDSON: No, not indefinitely,  
26 sir.

27 MR. POLLOCK: I suppose they can, in  
28 other cases, make alternate arrangements by leasing  
29 trucks or something like that, a very small type  
30 of operation, I suppose, could lease some trucks from



1 a rental agency and move some of its goods to a  
2 community which isn't served by any other transportation  
3 system.

4 MR. DONALDSON: Yes. There are  
5 many communities in Ontario which are served by  
6 truck alone and many of the shippers have been  
7 forced, through repeated wildcats and repeated legal  
8 strike situations, they went out and leased a Hertz  
9 truck and subsequently put their own transportation on.

10 MR. POLLOCK: I suppose that one of  
11 the difficulties in that is that they would then  
12 be trucking one way only and coming back empty?

13 MR. DONALDSON: Yes, but it becomes  
14 a question of service to their customer. Is it better  
15 for them to pay a little bit more and still have  
16 knowledge that at least it is going to be delivered  
17 and not tied up in a Teamster wildcat strike.

18 THE COMMISSIONER: Are their own  
19 employees who run the trucks, members of the union?

20 MR. DONALDSON: They could be, Your  
21 Honour, but they are usually part of the master  
22 bargaining unit. For instance, the retail-wholesale  
23 in the case of Loblaws, or in the case of the breweries,  
24 the brewery workers, but they don't seem to be  
25 plagued with the number of wildcat strikes that  
26 Teamsters are. As a matter of fact, there are a  
27 number of shippers who will not ship by a Teamster  
28 company because of this.

29 THE COMMISSIONER: Are they ever  
30 assailed by the wildcat strikers?



1 MR. DONALDSON: Yes.

2 THE COMMISSIONER: I would think that  
3 if they are prepared to destroy your system, they  
4 ought not to be very hesitant about checking others.

5 MR. DONALDSON: Right. Our  
6 experience has been during a wildcat or legal strike  
7 situation that the violence in picketing is not  
8 confined to the companies that are on strike, but  
9 anything that moves on the highway, whether it  
10 be by another union or another local of the Teamsters  
11 or non-union. If you will notice in the body of  
12 our brief, I have listed the instances of violence  
13 and two-thirds of them are trucking companies that  
14 are not party to the agreement, or companies with  
15 their own trucks.

16 THE COMMISSIONER: Well, take a  
17 company like Loblaws. Are their truckers members  
18 of the Teamsters' Union?

19 MR. DONALDSON: No, they are not,  
20 Your Honour, they are members of the major bargaining  
21 unit retail-wholesale.

22 THE COMMISSIONER: But still they  
23 can be the object of action?

24 MR. DONALDSON: Yes, they could.  
25 But we find all sorts of cases through the press  
26 reports of non-union or other union truckers being  
27 molested on the highways, rocks thrown through  
28 windshields and, in some cases, bullet holes through  
29 windshields and tires slashed.

30 MR. POLLOCK: I suppose the theory is:



1 If you are not with us, you are against us.

2 MR. DONALDSON: Right.

3 THE COMMISSIONER: Yes, they have  
4 reached the stage now where they want to stop  
5 everything in movement on the highways.

6 MR. DONALDSON: That is right.

7 THE COMMISSIONER: What about the  
8 railway workers, do they interfere with those?

9 MR. DONALDSON: Yes, they do, Your  
10 Honour. During 1965 the wildcats in September and  
11 October, the rebel element in the Toronto Local  
12 Union picketed the C.N.R. freight sheds down on  
13 Front Street in an attempt to bring them out. They  
14 were successful with a portion of them, mind you,  
15 but the majority of the railway employees crossed  
16 the line and went to work.

17 THE COMMISSIONER: Are they members  
18 of the Teamsters' Union?

19 MR. DONALDSON: No, they are members  
20 of the Canadian Brotherhood of Railway Workers.

21 MR. POLLOCK: Do you have an estimate  
22 of the numbers of membership in these locals in the  
23 big five?

24 MR. DONALDSON: Yes, I could give  
25 you a rough estimate of it. The Toronto membership  
26 - and this would be membership in total and not  
27 just membership of our companies. There are other  
28 companies outside the Bureau that have members with  
29 Local 938, shall we say. The Toronto Local would  
30 be in the area of 5,000 employees.



1 MR. POLLOCK: That is 5000 members?

2 MR. DONALDSON: Right. Hamilton,  
3 around 4000 in total. London, about 1500. Windsor,  
4 about 1500 and the Kingston Local would be just  
5 under 1000, basically a thousand, somewhere in that  
6 neighbourhood.

7 THE COMMISSIONER: That is something  
8 over 10 thousand.

9 MR. DONALDSON: Totalling our  
10 maintenance people and our general people, we have  
11 roughly 7000 under collective agreement with the  
12 five locals in the Teamsters.

13 MR. POLLOCK: Well, adding them up,  
14 there are about 13 thousand which you gave us in the  
15 total membership, and you have about 7000, so you  
16 roughly represent half of the membership?

17 MR. DONALDSON: Yes.

18 MR. TEAKLE: But that other half  
19 would consist of trucks that we don't concern ourselves  
20 with.

21 MR. POLLOCK: That is right, but your  
22 employees constitute half of the total. Would that  
23 be a true reflection of individual cases, which in  
24 the Toronto station, would you have 2500 employees  
25 in Toronto?

26 MR. DONALDSON: In Toronto we would  
27 be roughly 70 per cent of the membership in the  
28 Toronto Local.

29 MR. POLLOCK: Well, can you break it  
30 down as far as these locals are concerned?



Toronto, Ontario

MR. DONALDSON: Not accurately, because in a large metropolitan area like Toronto and Hamilton, they have set up different local unions for different jurisdictions such as local cartage for milk or construction, whereas, London and Windsor and the Kingston locals are all-embracing locals.

MR. POLLOCK: So you couldn't say how many members of your association have contracts with Local 928 and how many employees that would include?

MR. DONALDSON: I could give an estimate.

MR. POLLOCK: Would you try and do that, because I wanted to find out individually what percentage.

MR. DONALDSON: Toronto, counting maintenance people, would be close to 3000. Hamilton, 2000 and Kingston about 400. London about 400 and Windsor about 300. somewhere in that general area.

MR. POLLOCK: When you talk about the rebel element in these locals, there is a rebel element in each of the locals?

MR. DONALDSON: It is more predominant in the Toronto local, and Hamilton.

MR. POLLOCK: And I suppose it would be difficult for you to measure the size of that rebel element because locally, maybe two or three or four, or 10 or 20 who are making all the noise and others may follow.

MR. DONALDSON: Yes, in total I would



1 say it would be between 5 and 10 per cent of the  
2 membership.

3 THE COMMISSIONER: Take the President  
4 of the Toronto Local, is he fully occupied by that  
5 office?

6 MR. DONALDSON: Yes.

7 THE COMMISSIONER: He is a paid  
8 official?

9 MR. DONALDSON: The President, Vice-  
10 President, Secretary-Treasurer and the Business Agents  
11 are all paid officials in each local union. Now  
12 the other executive offices, which are known as  
13 executive board members, are not. They are employees  
14 who work for Smith Transport and they are appointed  
15 to this executive post.

16 MR. POLLOCK: What about shop stewards?

17 MR. DONALDSON: The shop stewards  
18 are full time employees of the companies.

19 MR. POLLOCK: Do they have a  
20 committee formed themselves?

21 MR. DONALDSON: Lately they have.

22 THE COMMISSIONER: Have you any  
23 idea what the salary of the President would be?

24 MR. DONALDSON: Somewhere in the area  
25 of 130 to 150 a week.

26 MR. POLLOCK: Plus perquisites  
27 of office, such as expense accounts?

28 MR. DONALDSON: Yes, and travelling  
29 allowances, et cetera. They would have their  
30 automobile supplied too.



MR. POLLOCK: The tactics that are employed in this roving picket line would be, then, characteristic of this 5 or 10 per cent.

MR. DONALDSON: Yes, plus more as the roving picket line gains more and more support, then they have more of the quieter element of it too.

MR. POLLOCK: I see. They elicit some support and show a bit of leadership and they draw the people out and then they move on to the next place. They leave a lieutenant and then move to the next point.

MR. DONALDSON: That is right and it usually happens that as soon as this rebel group is in and can get a few employees out on strike then they get to a liquor store or a beer parlour and talk to a few more people and it just snowballs at that stage. It may start out with two employees in a large company and those two employees will solicit the support of five or six more and they set up a picket line and the other employees are afraid to cross it because of bodily threats to themselves and their families, so out of this large body of employees they may get two or three carloads. They will drive down the street say, from Direct Winters to Smith Transport and start to picket there, and they will get this rebel group walking off the job in there and then they slowly grind that operation to a halt and by this time they may have eight car-loads of people. Then they go to Kingsway and do the same thing, and it just keeps snowballing until



1 finally they try and shut the whole city down.

2 MR. POLLOCK: I assume that the  
3 leadership, the legitimate leadership would then  
4 have to go out and try and persuade these people  
5 to go back to work.

6 MR. DONALDSON: Yes.

7 MR. POLLOCK: Can they do that?

8 MR. DONALDSON: In several cases,  
9 McDougall in Toronto did. As a matter of fact,  
10 he was hauled up on union charges in the case  
11 of Husband Transport in 1961.

12 MR. POLLOCK: For trying to persuade  
13 them from an illegal strike?

14 MR. DONALDSON: Yes. The rebel  
15 group charged him under the constitution and I  
16 think the charge was conduct unbecoming a union  
17 member because he wanted to get the men back to  
18 work.

19 THE CHAIRMAN: With what result?

20 MR. DONALDSON: The charges were  
21 dismissed. But this group has now taken over  
22 control and Mr. McDougall has been ousted from  
23 office of the Toronto Local as of December 8th or  
24 9th of last year.

25 MR. POLLOCK: What is he doing now?

26 MR. DONALDSON: He is selling trucks  
27 at Gorries Truck Centre.

28 MR. POLLOCK: He is no longer  
29 associated with the union?

30 MR. DONALDSON: No.



1 THE COMMISSIONER: Nor with his  
2 employer?

3 MR. DONALDSON: No. In some cases,  
4 business agents do have a leave of absence from a  
5 particular company that they work for but he didn't  
6 want to go back, I presume.

7 THE COMMISSIONER: What did you say  
8 he was doing at the present time?

9 MR. DONALDSON: He is working at  
10 Gorries Trucking Centre in Toronto. It is a new  
11 truck sales outlet they have set up.

12 THE COMMISSIONER: I was wondering,  
13 would he care to give evidence. Does he remain  
14 a member of the union?

15 MR. TEAKLE: He was given a withdrawal  
16 card without his asking for it.

17 MR. POLLOCK: So you are saying you  
18 have to seek injunctions in these circumstances.  
19 What has been your success with the injunction? Does  
20 it have any affect on these illegal stoppages?

21 MR. DONALDSON: It seems to quiet  
22 things down, if nothing else. The employees, when  
23 they are served with this government document, it  
24 has a real salutary affect on them, and for the most  
25 part, rather than get themselves involved, they  
26 will go home. And it is really the rebel element  
27 that is left. The rest of them realize at that  
28 point, that they have done something wrong and they  
29 go home. But it does quiet things down to such an  
30 extent that it becomes a controllable quantity by the



1 police and in so many instances, we find that  
2 employees want to go back to work, but because there  
3 are a couple of carloads of employees standing out  
4 there in front, they are afraid to go through and  
5 if we are able to get an injunction banning that  
6 wildcat picketing, the employees go back to work.

7 THE COMMISSIONER: I suppose they  
8 look upon an injunction as creating a situation  
9 about which there can be no doubt.

10 MR. DONALDSON: That is right.

11 MR. POLLOCK: The nature of the  
12 employment of the truckers, and especially in your  
13 business where they would be driving, I assume, alone  
14 or in some cases with a companion in the cab, over  
15 long stretches of inhabited highway, that this is  
16 something that causes a reluctance to cross the  
17 picket line, because of the availability of retrac-  
18 bition, whereas, if you are on the job and working  
19 in the plant, or something like that, they pretty  
20 well couldn't get into the plant.

21 MR. DONALDSON: If you are out on  
22 the highway, the only person to protect them is  
23 themselves, or in the city, they could be driving  
24 down a lane and if you will notice, some of the  
25 pictures in the exhibits there are smashed windshields  
26 for people who kept working during the legal  
27 strike.

28 THE COMMISSIONER: Do you have fixed  
29 stations where you ever spend the night, that is  
30 where your trucks spend the night? Or do they go



1 right through?

2 MR. DONALDSON: It depends on the  
3 individual company's operations. In some cases they  
4 will go from point A to point B and then that is it.  
5 But in other cases, they will start off and go to  
6 there are  
7 a number of terminals where/local deliveries in a  
8 number of communities between here and Kingston,  
9 for instance.

10 THE COMMISSIONER: But the night  
11 travel is no different from the day travel?

12 MR. DONALDSON: Not basically, no.

13 THE COMMISSIONER: But you do have  
14 trucks that take a station for the night because  
some of them have been reported.

15 MR. DONALDSON: Right. Some of  
16 them have been tied up and parked in a company  
17 terminal and the tires are slashed and the wind-  
18 shields are broken or the trailers are set on fire.

19 MR. POLLOCK: Well, of course, that  
20 is not so much an action against the trucker  
21 himself, if the damage is done when he is stopped  
22 at least he is aware of it and I suppose, in some  
23 cases it is done in such a fashion that it may not  
24 be patently obvious to them that this damage - and  
25 I don't know whether you can see if your brake line  
26 is cut or something like that.

27 THE COMMISSIONER: I suppose they  
28 have caught onto that and they try their brakes  
29 before they venture out.

30 MR. DONALDSON: Yes, but what happens,



1 Your Honour, is that there is a pin that locks your  
2 trailer to the tractor and they pull that and they  
3 will drive away from the stop light.

4 MR. POLLOCK: They will come up  
5 at a time when he is at a stop light?

6 MR. DONALDSON: Yes, and they pull  
7 this pin and when the tractor drives away, down  
8 goes the trailer, onto the pavement or they drive  
9 up alongside and throw something in through the  
10 windshield.

11 MR. POLLOCK: Well, outside of the  
12 last one, those are really acts against the company,  
13 damaging company property or the acts aren't as  
14 personally related to the driver as if they occurred  
15 while he was driving the truck and could possibly  
16 cause him serious injury or death.

17 MR. DONALDSON: That is right.

18 THE COMMISSIONER: Well, it is  
19 pretty hard to separate the driver from the property,  
20 they go on both.

21 MR. DONALDSON: Yes, they go with  
22 both, really, and it is not just limited to where  
23 the man is working.

24 MR. POLLOCK: They will do it at  
25 his home?

26 MR. DONALDSON: They will do things  
27 at his home, they will make phone calls to his  
28 wife, "You had better watch it, if Joe keeps working,  
29 you had better watch your kids on the way to school".  
30 This is a favourite tactic. So the man fears for



1 his family.

2 THE COMMISSIONER: Has there ever  
3 been a case where they threatened to take a child?

4 MR. DONALDSON: Not to my knowledge,  
5 Your Honour. The mere manner of the threat does it.

6 MR. POLLOCK: Does the threatening  
7 and this other type of activity away from the plant  
8 cease when the injunction is issued?

9 MR. DONALDSON: It ceases, about 90  
10 per cent of it. It may continue to a certain extent  
11 but once the rebel group has lost initial support  
12 then they really haven't got anything to gain by  
13 this harassment because by this time, 90 per cent  
14 of the employees are working, because they have  
15 lost.

16 MR. POLLOCK: The focus of their  
17 aim is defused now, because there are so many  
18 other people working and when there are only a  
19 few people working they can concentrate their efforts  
20 on those.

21 MR. DONALDSON: That is right.

22 THE COMMISSIONER: But the injunction  
23 is leveled at the picket line, primarily?

24 MR. DONALDSON: This is right.

25 THE COMMISSIONER: So that, again,  
26 appears as the evil one in the situation.

27 MR. DONALDSON: That is right  
28 because the picket line of the Teamsters has become  
29 a right of closure. One man - it doesn't take 10, it  
30 just takes one - or a sign ----



THE COMMISSIONER: You destroy  
that by way of the injunction and the way is free  
and the 90 per cent go back.

MR. DONALDSON: Right. So, as you can see from the history of this type of illegal activity, we have got to have a quick and expedient means of enforcing the law.

MR. POLLOCK: Have you found it necessary to proceed past getting the injunction, with enforcement of the injunction order?

MR. DONALDSON: No, not to my knowledge. Perhaps some individual companies, but to my own personal knowledge, no.

MR. POLLOCK: In the generality of cases, are they obtained on notice or without notice? I am just dealing now with the ones that are illegal because they are during the currency of an agreement and before negotiation.

MR. DONALDSON: Well, I couldn't say what percentage either way, but I imagine the overall problems, it would be probably 50-50. There may be more in certain areas and less in others.

THE COMMISSIONER: It may be the Teamsters will maintain a refusal to appear before the Commission. Have you any objection to submitting a brief prepared by you to them to see what they would answer?

MR. DONALDSON: I would have no objection.



THE COMMISSIONER: I am just wondering, I am not in any way challenging anything you say, but if they don't appear, then the reflection may be that it is a one-sided story, that is all. Now, I am not deciding anything, or taking any view on it but I was just wondering if it would strengthen the factual position if they were asked to make their comments.

MR. TEAKLE: I think we would welcome it, sir, and I don't see any reason why not.

MR. POLLOCK: Now, we have drawn the distinction, at least, so far as our discussion has gone, to illegal strikes and we have been talking about those in the main because those are your biggest problems. When we get to talking about illegal strikes, if there are any in your experience, perhaps you might indicate the point of departure so that we can make that distinction.

MR. DONALDSON: In our illegal strikes, of which I have knowledge in 1962 and 1966, there have been very, very few injunctions obtained because, basically, our industry is not the same as manufacturing where it is all within four walls. This is spread out over every highway and every street in the province, we have not been able to operate during these legal strike periods, because of the danger to equipment and the employee driving it. We are not going to chance it.

THE COMMISSIONER: And that is  
respected by all the employers.



MR. DONALDSON: Yes. But there is an instance where because of mob violence on the picket line, where they start throwing rocks into the yards and the fusees that they use as safety lights on the highway and a fire starts and the companies have sought an injunction to control the number on the picket line. We don't care if there are 200 people out there as long as it is peaceful.

MR. POLLOCK: In the generality, during a legal strike, your operations are closed. The companies aren't running. Well, let me ask here: What is the concern of the membership of the Teamsters?

MR. DONALDSON: In 1962 the employment level was very low at that time and the employees could not get jobs. Occurrences of violence were high.

THE COMMISSIONER: To force you to make concessions?

MR. DONALDSON: To force us to give in to their demands but in 1966 when the majority of our employees had other employment, they couldn't care less and the instances dropped. But we found it is not our employees that cause the damage to company equipment, it is the employees of another trucking company that are on your picket line, they couldn't care less.

MR. POLLOCK: Do they make arrangements that they will send Smith employees to Direct Winters and Direct Winters to Smith?



MR. DONALDSON: Yes and this is the problem. When we try to obtain an injunction we write out the list of employees' names, we usually have to call all the branch managers in town to identify them and by the time we've got lists made up there is an entirely new picket line there.

THE COMMISSIONER: Well, what do you think would be the case if a picket line were limited to your own employees?

MR. DONALDSON: It would, in my opinion, greatly reduce the instances of violence. Because I work for a company, I know that that if that truck is burned it means that I haven't got a job.

THE COMMISSIONER: Well, I think that simple fact would enter the minds of some people.

MR. POLLOCK: Would you be content with a situation where you had a legal strike not to operate?

MR. DONALDSON: As a multi-employer,  
that  
yes. I must preface all my remarks are based  
on our experience as multi-employer situation.

MR. POLLOCK: And that it is only during the period of a collective agreement or during conciliation that if you get an illegal strike you, of course, would try to resist it by operating.

MR. DONALDSON: Right.



MR. POLLOCK: You have that much  
solidarity in your organization that the temptation  
the  
to operate wouldn't be greater than/loyalty to  
the association?

MR. DONALDSON: The best instance I can think of is, on January 20th, 1966 McAnally and Freightways, Kingsway Freight Lines, /Consolidated Truck Lines were struck.

MR. POLLOCK: Legally?

MR. DONALDSON: Legally, yes. They were in a legal strike position, effective the first of 1966 and the Board's report came down for and Federal prescribed periods under provincial/legislation. had The unions/told us that issued in their pamphlet that their strategy was to divide and conquer, to out pick / one carrier and strike him and let his competitors operate. But we advised the union that in this situation we would consider a strike against one as a strike against every carrier and within 24 hours the other carriers closed their doors for 15 weeks.

THE COMMISSIONER: In many respects  
that was the only thing to do.

MR. DONALDSON: That was the only thing we could do. We didn't like the inconvenience to the public but it was the only way of preventing a whip-saw arrangement and preventing a carrier from going into financial straits over the situation.

MR. POLLOCK: In the eventual



1 settlement, was there any capitulation of either  
2 of the parties or was it, in your view, a reasonable  
3 settlement after the delay?

4 MR. DONALDSON: I think you could  
5 best describe it as a strike settlement.

6 MR. POLLOCK: There was a compromise  
7 between both the positions?

8 MR. DONALDSON: That is right.

9 THE COMMISSIONER: What would you  
10 say of the relation, the ultimate settlement  
11 that the conciliation processes were willing to  
12 concede?

13 MR. DONALDSON: Some were in the  
14 neighbourhood of 20 per cent higher over a shorter  
15 period of time.

16 THE COMMISSIONER: That was 20 per  
17 cent more than was offered during conciliation?

18 MR. DONALDSON: Yes. I have  
19 listed copies of the conciliation board's report  
20 in our brief and in the board's report the board  
21 has repudiated the union leaders for signing  
22 the terms of settlement on September 30th and then  
23 going back on their word on it and coming back  
24 for more money. And the board directed no change  
25 in this money package that we had agreed on three  
26 month's prior.

27 THE COMMISSIONER: The board was  
28 not ultimately accepted?

29 MR. DONALDSON: No. Now, this is  
30 basically, gentlemen, our position in respect to what



1 we feel we should have a quick, expedient means of  
2 enforcing the law. The Teamsters are notorious  
3 and  
4 for flouting the law today/we need to strengthen  
it, not weaken it for our position.

5 MR. TEAKLE: I wonder if I could  
6 interject here. There is almost a week-to-week  
7 harassment of the illegal strikes that I don't  
8 think we have dealt with very extensively here.  
9 Take within the last two or three weeks. We have  
10 a group of employees and the senior men say they  
11 should be getting so and so and the junior men say  
12 "Oh, no, you shouldn't", so to settle it they  
13 go out on strike and close up the entire terminal  
14 of the company. And it was a discharge case  
15 such as you were questioning a little while ago.  
16 A man was told to come into the office and he said,  
17 "I won't," and there was no alternative but to  
18 say goodbye to him. So the men then some 80 of them  
19 are on the streets in Toronto here. Those are  
20 things that need quick action to clean up. Day-to-day,  
21 week-to-week, that happens.

22 MR. DONALDSON: They start over  
23 the most petty things. Last Wednesday night we  
24 had a strike at Direct Winters Transport in Toronto  
25 because the company wouldn't let them listen to  
26 the hockey game. The company had checked the  
27 yards and found the employees weren't working  
28 and the freight was going into the wrong trucks.

29 THE COMMISSIONER: Do you put a  
30 television machine on a truck?



MR. DONALDSON: No. So the employees just walked off.

MR. TEAKLE: Now, those three instances are probably all within the last three weeks' time.

MR. POLLOCK: Do you have any problems with the respect of Teamsters for other picket lines, legal or illegal?

MR. DONALDSON: If there is a  
picket line anywhere, at any time, the Teamsters  
will not cross it. As late as last Thursday,  
Dow Chemical, one of their plants in Toronto was  
on strike and the pickets went from the Toronto  
plant to Sarnia and set up a picket line. The Oil  
Chemical Automic Workers, which is the bargaining  
agent for the Sarnia plant, the employees crossed  
the picket line and the construction locals crossed  
the picket line but the Teamsters didn't.

MR. POLLOCK: In your collective agreements there is no provision acknowledging their right to cross the picket line.

MR. DONALDSON: No.

MR. POLLOCK: They think it is a residual right of the trade unions.

MR. TEAKLE: They told us on one occasion they would find a way to enforce the requirements and they have sure done it.

MR. POLLOCK: Have you ever taken any disciplinary action, and I say "you" as members of your Association?



MR. DONALDSON: Every time we do, if we suspend an employee for refusing to go into Dow Chemical, as an example, the employees will come back and set up a one-man picket line at our terminal and it will have the entire operation shut down.

MR. POLLOCK: The contracts that you would make for haulage with Dow Chemical would be to transport materials from source A and then to source B? What happens to those contracts when they are stopped?

MR. DONALDSON: What usually happens is the shipper will cancel the contract and say, "Well fine, if you can't give us service, we'll get a non-union company or we will put on our own trucks". This is the pattern and it does happen.

MR. POLLOCK: Is it becoming more prevalent now?

MR. DONALDSON: Yes, the registration of private vehicles has shot up since 1962 something tremendous. I mean private trucking dealers.

MR. POLLOCK: And I suppose, as I mentioned earlier, inherent in that is an increased cost eventually borne by the consumer because of the trucks running empty one way.

MR. DONALDSON: That is right. In some cases he may be hauling his own raw materials back.

THE COMMISSIONER: Well, do you think it would be possible if these 90 per cent of



1 the people who respect their obligations to secede  
2 and form a new union? Could they collect or have  
3 a union of non-unions?

4 MR. DONALDSON: Well, the problem is ---

5 THE COMMISSIONER: What I have in  
6 mind is to give the unions some place  
7 where this lawless rump is not present.

8 MR. DONALDSON: I can only speak  
9 from my own experience in Husband Transport  
10 with the contract with Canadian Brotherhood of  
11 Railway Transport and general workers, they have  
12 bought out what was known as K & E Transport  
13 who have been served by this particular local.

14 In the seven years that we have been dealing with  
15 them there has never been a wildcat, there has  
16 never been a threat of a wildcat. Everything  
17 follows the due process of the grievance procedure,  
18 and there is none of this automatic picket line  
19 to stop, it is all cleared up prior. Of course,  
20 they respect certain picket lines, like any trade  
21 union, but it is not a holus bolus effort, that  
22 if there is a picket line, we stop.

23 It is more a responsible attitude.

24 MR. POLLOCK: The certification for  
25 Teamsters, is it based on individual employer?  
26 Are they all certified?

27 MR. DONALDSON: Not all of them.  
28 The majority have been voluntary recognition. It  
29 initially started out that if you wanted to operate  
30 into Detroit, you had to sign a contract with a



Windsor local, otherwise you were cut off at the border.

---Short recess.

MR. DONALDSON: Your Honour, I think we have covered the question of the illegal wildcat strikes and the all too common experiences, and with the Commissioner's concurrence, I would like to move to our experience in multi-employer bargaining and then, from there, if I could, and that is on page 44, Your Honour, and from there if I could do a summary of our recommendations because our recommendations basically tie in with each section of our brief.

Gentlemen, the Bureau has been conducting, basically, our multi-employer bargaining since 1944. Up to 1962 there were only three local unions in existence that we dealt with. As a result of the conciliation board's recommendation in July of 1962 we recognized the new London and the new Kingston locals which were really carved out of the Windsor and carved out of the Toronto. In our brief we set out in real detail to try and show the Commissioner, just the problems that we have in dealing with the Teamsters on a multi-employer basis during negotiations. The problems which, in our mind are not due, really, to the size of the situation or the number of people covered, but the one point - politics within the locals.

As I mentioned earlier, we concluded



Toronto, Ontario

1 a signed memorandum of settlement on September 30th,  
2 1965. This was signed and it is listed in Appendix  
3 F. This was signed by all the members of our  
4 negotiating committee, plus the five union  
5 presidents. This settlement -----

6 MR. POLLOCK: I see it is McDougall  
7 and Carron, Ray Taggart.

8 MR. DONALDSON: Yes, and P.J. Murray  
9 and Wilfred J. Sefton, 880.

10 MR. POLLOCK: Who are these other  
11 people at the bottom?

12 MR. DONALDSON: John Hopper,  
13 conciliation officer in the Ontario Department and  
14 Bruce McRae, conciliation officer from the Federal  
15 Department. Because of the strict jurisdiction  
16 between Ontario and Federal, some of our companies  
17 are under provincial jurisdiction and others are  
18 under federal. We have always entered into  
19 negotiations on the basis if conciliation services  
20 are necessary, both parties will ask that a  
21 common procedure be set up and recognized by  
22 both levels of government to avoid duplicity.

23 THE COMMISSIONER: That is approved  
24 by the Labour Department for both?

25 MR. DONALDSON: Of both, yes.  
26 Letters are exchanged between the union and ourselves  
27 and the Federal Department and the Ontario Department  
28 concurring in this arrangement. This settlement  
29 was reached and it was agreed that it would be  
30 recommended for acceptance to the membership. On



1 the Sunday following September 30th at a meeting  
2 at the Scarborough arena here in Toronto, Ken  
3 McDougall presented this to the membership as  
4 more of an up-to-date report of negotiations  
5 because there were four items left unsettled.  
6 These were non-monetary items that we planned  
7 to get at the following week.

8 MR. POLLOCK: What were they?

9 MR. DONALDSON: One was brokers,  
10 the question of owner-operators who own their  
11 own trucks. Number two was the use of piggyback,  
12 the hired trucks and the use of hired equipment  
13 in the city and there was one other item that  
14 just escapes me at the present. But at this  
15 meeting, the so-called rebel element in the Toronto  
16 local that was trying to take over control, turned  
17 out in mass to this Sunday meeting at the Scarborough  
18 arena, and at a standing vote and a show of hands, it  
19 was unanimously rejected.

20 MR. POLLOCK: Is there a requirement  
21 in the Teamsters' constitution, to your knowledge,  
22 that requires a strike vote?

23 MR. DONALDSON: A strike vote must  
24 be conducted in such a manner that the person voting  
25 - it cannot be recognized which way he is voting,  
26 and the vote must be two-thirds.

27 THE CHAIRMAN: Is that in the  
28 constitution?

29 MR. DONALDSON: Yes, in the national  
30 constitution.



MR. POLLOCK: What about the membership decision on the acceptance or rejection of a contract proposal. Is there anything on that?

MR. DONALDSON: Yes, it must be by acceptance or the rejection must be basically by secret ballot and to reject a settlement it must have 66 per cent, not a simple majority.

THE COMMISSIONER: But they can do it by secret ballot, or what was the first way you mentioned?

MR. DONALDSON: They must do it by secret ballot.

THE COMMISSIONER: But in this case they didn't?

MR. DONALDSON: No.

MR. POLLOCK: This was, of course, after or during the campaign of transportation topics that were set out in your appendix?

MR. DONALDSON: Right. All during this period and some three days prior to reaching this settlement, the transportation topics and others with similar headings were being distributed around to the employees and saying, "No contract, no work, September 30th". As a matter of fact, on the 28th and 29th of September, some of the operations in Toronto were struck. We continued meeting to try and finalize everything, to avoid a province-wide shutdown. Despite the efforts of the then incumbent president to get these men back to work, the rebel element who were trying to gain control of the local



1 were successful in shutting down the majority of  
2 Toronto, they shut down the entire City of Oshawa.  
3 We continued to meet the following week and despite  
4 our amazement, we were presented with a list of  
5 entirely new demands.

6 MR. POLLOCK: The bargaining committee  
7 was reconstituted, it was the same number of people?

8 MR. DONALDSON: It was the same  
9 number and the same individuals who had signed this  
10 memorandum of settlement, they came back and said,  
11 "We've got to have nine cents a mile, a forty hour  
12 work week, X cents an hour over more than two years".

13 MR. POLLOCK: I suppose the position  
14 was that that was the feeling or the instructions  
15 they received at this meeting on Sunday?

16 MR. DONALDSON: Right. We knew  
17 what the demands were going to be prior to meeting  
18 with the union, we read it in the newspaper that  
19 was distributed around the picket lines.

20 MR. POLLOCK: What paper was that?

21 MR. DONALDSON: The Canadian Tribune.  
22 This opened up the entire agreement and accordingly,  
23 the matters were all referred to a board of  
24 conciliation.

25 MR. POLLOCK: The Canadian Tribune  
26 isn't a union publication, or anything like that?

27 MR. DONALDSON: No. After the  
28 submission of these new demands, we asked - the  
29 board of conciliation was appointed, the union  
30 submitted some 40 items to this board as still being in



1 dispute. Items in wording that had never been taken  
2 to the membership, that had been agreed in the  
3 minutes of the meetings and filed away. They opened  
4 up completely 8 month's work.

5 MR. POLLOCK: Was it at the original  
6 settlement, or the original location when this  
7 memorandum of agreement was signed, what was the  
8 general attitude of the signators to the agreement?  
9 Did you anticipate any difficulty at that time?

10 MR. DONALDSON: On the evening of  
11 September 30th it was signed by 11:00 o'clock at  
12 night, and one union officer made the comment to me  
13 that this would keep him in office for the next  
14 15 years. Because it was the biggest settlement  
15 they had ever had. They were all jubilant over  
16 the terms of settlement.

17 MR. POLLOCK: And they didn't  
18 anticipate there would be any difficulty?

19 MR. DONALDSON: No. We immediately  
20 scheduled meetings and we started the following week  
21 and we cleaned up the four items.

22 THE COMMISSIONER: Did they support  
23 this at the meeting? Now take that man, did he  
24 support the agreement at that Sunday meeting?

25 MR. DONALDSON: Yes, he did.

26 THE COMMISSIONER: Did all of the  
27 members of the committee support it?

28 MR. DONALDSON: No, not to our  
29 knowledge.

30 MR. POLLOCK: Was there an opportunity



Toronto, Ontario

1 at this general meeting in Scarborough, to present  
2 the terms - and I appreciate that this is difficult  
3 for you to answer, because you probably weren't there.

4 MR. DONALDSON: No, I have been told  
5 what happened. But to my knowledge, he tried to  
6 put it forward but was actually shouted down. There  
7 were some 3000 employees there but by the time the  
8 meeting ended up, there were only about 300 left  
9 which constituted the rebel group. The rest of them  
10 left saying, "Well, we can't hear what is going on  
11 anyway" and they went on home.

12 MR. POLLOCK: The remainder would be  
13 more dedicated?

14 MR. DONALDSON: Yes.

15 THE COMMISSIONER: When you say  
16 it was passed unanimously, you say there were no  
17 dissenting voices?

18 MR. DONALDSON: That is right.

19 THE COMMISSIONER: This man was  
20 there and he didn't consent?

21 MR. DONALDSON: This was consented  
22 to by every member of the union bargaining committee,  
23 including the employees whose signatures are not  
24 on the document.

25 MR. POLLOCK: And the general  
26 expression by those people at the meeting was that  
27 it was a good agreement and we would recommend it  
28 to our employees. Some of those people did not.

29 MR. DONALDSON: That is right, some  
30 of them did not.



Toronto, Ontario

MR. TEAKLE: The next day one of the officers passed the remark to me that it was the best settlement they had ever had and they wanted to say thank you for it.

MR. DONALDSON: The following week, which I believe was the week of October the 4th, after we were presented with the list of the union's new demands, the President of the Hamilton local, Mr. Taggart, left at noon hour, allegedly to avoid the spreading of the Toronto strike to the Hamilton situation. We were told that the meetings were held in various areas with his membership and by that night, every trucking company under the jurisdiction of the Hamilton Local was shut down.

MR. POLLOCK: Despite Mr. Taggart's efforts?

MR. DONALDSON: His alleged efforts. This lasted for some two weeks, this shutdown. The Bureau's member companies operating in that area, lodged grievances against the local unions claiming damages and they said the Commission is probably aware that the figure of \$2 million was tossed around and it was nothing in that neighbourhood at all.

MR. POLLOCK: It is just a good round figure.

MR. DONALDSON: Right. Following the return to work of these employees around the 17th of October, we proceeded to the conciliation board's hearings and the first day of the hearing



Toronto, Ontario

1 was on the 23rd of November. After two days of  
2 the meeting of the Board, Local 879 refused to  
3 continue in front of the board and withdrew.

4 MR. POLLOCK: That is Hamilton?

5 MR. DONALDSON: Right, along with  
6 the rebel element of the Toronto local who had in  
7 the meantime, been appointed to 938's bargaining  
8 committee. They withdrew from the hearings and  
9 would have no part of it because the chairman of  
10 the board refused to deal with the so-called  
11 reprisal issue. They demanded that this issue  
12 be settled before they went on to anything else.

13 MR. POLLOCK: That is to withdraw  
14 the claims?

15 MR. DONALDSON: Correct, and  
16 withdraw the application to prosecute that had  
17 been filed. We took the position, though, that  
18 the board said no and they withdrew.

19 THE COMMISSIONER: What local was  
20 that?

21 MR. DONALDSON: That was 879, Your  
22 Honour, from Hamilton. The rebel group from  
23 Toronto, there were, I believe, four of them had  
24 been appointed to 938's bargaining committee,  
25 that is the Toronto local, and they withdrew  
26 with the Hamilton group. The board's report was  
27 issued on or about the 22nd or 23rd of December  
28 and I believe the provincial one was issued on  
29 the 22nd and the federal report on the 23rd.  
30 They were identical reports and the federal one



1 covered those companies under their jurisdiction  
2 and the provincial report theirs.

3 MR. POLLOCK: It was the same  
4 board, though? Who was the chairman?

5 MR. DONALDSON: The chairman was  
6 Judge Anderson from Belleville.

7 MR. POLLOCK: Who was your  
8 representative?

9 MR. DONALDSON: Wilfred Healey and  
10 the union's representative, Murray Tait.

11 MR. POLLOCK: Was it the usual  
12 representation where you have two on one side and  
13 one on the other?

14 MR. DONALDSON: Yes.

15 MR. POLLOCK: And it was split which  
16 way?

17 MR. DONALDSON: It was split manage-  
18 ment and the chairman signing the award and the  
19 union, how many filed the minority report. The Board  
20 of Conciliation - a copy of its report is listed  
21 in the appendix and it recommended no change in  
22 the money package and it was signed on - and this  
23 is appendix E. The board's report upheld the money  
24 package and recommended that the vote on the  
25 acceptance or rejection in a government supervised  
26 vote if the unions concurred. Two locals concurred,  
27 the Toronto Local No. 938 and the Kingston Local No. 91.  
28 The Hamilton Local flatly refused; the Windsor Local  
29 flatly refused, and the London Local flatly refused.

30 MR. POLLOCK: Well, the London Local



1 had withdrawn. I am sorry, the Hamilton Local had  
2 withdrawn and part of Local 938.

3 MR. DONALDSON: That is right.

4 MR. POLLOCK: So the conciliation  
5 report says that all meetings, with the exception  
6 of the last three, and it lists all the representatives  
7 of all the locals, the withdrawal occurred.

8 MR. DONALDSON: I believe on the  
9 second day of the hearings. The board report, in a  
10 combined five-local report, was turned down.

11 MR. POLLOCK: There wasn't enough  
12 support in the Toronto Local?

13 MR. DONALDSON: In the Toronto and  
14 eastern local, to swing the combined vote from the  
15 five. There was a 70 per cent rejection.

16 MR. POLLOCK: Do you have any idea  
17 of the individual voting?

18 MR. DONALDSON: No.

19 MR. POLLOCK: Was it done by secret  
20 ballot?

21 MR. DONALDSON: It was done by secret  
22 ballot in Toronto and Kingston and we have reports  
23 that it was a show of hands in Windsor and, in some  
24 areas of 879. In other areas it was a secret ballot.  
25 Following the rejection the employees continued to  
26 work and we met again and there were 19 items on  
27 the table. In the meantime, the locals had held a  
28 meeting in London of their own bargaining committee  
29 and Ken McDougall was voted out as the chairman of  
30 the group, and Ray Taggart was voted in as the chairman.



MR. POLLOCK: The chairman of the negotiating committee of the union?

MR. DONALDSON: Yes. When we met again, of course, with Mr. Taggart as chairman, the number one issue was the question of withdrawal of the reprisals, and he flatly refused to proceed with discussions until we agreed that these would be withdrawn. We didn't. Subsequently, we met again on February the 4th and 5th in Windsor in an attempt to settle it and this time I believe there were some 104 items in dispute.

MR. POLLOCK: And this is at a time when the employees were free to strike but were not yet on strike?

MR. DONALDSON: Yes. But this continuing change of things we had agreed to were never taken back to the membership. The change in the leadership and the politics within the local unions themselves, just led us to a situation where we couldn't get any one person with any authority to deal with. On January the 20th, as I mentioned before, the strike started. We met during the strike under the auspices of the Department of Labour with Mr. Fitzsimmons of the International at this stage.

MR. POLLOCK: What is his position?

MR. DONALDSON: At the time he was a Vice-President of the International in charge of Canadian operations. He is now a pro tem president. As an illustration of the leadership that we found



1 at that stage, we spent two weeks negotiating four  
2 clauses that I, in my experience, hadn't referred  
3 to once since the agreement was signed.

4 MR. POLLOCK: What were they all  
5 about?

6 MR. DONALDSON: One was the clause  
7 dealing with the question of pay deductions.

8 THE COMMISSIONER: Pay deductions  
9 for what?

10 MR. DONALDSON: They wanted listed  
11 on their cheques, the various deductions that had  
12 been made. Some of our companies didn't have the  
13 accounting equipment to do it. We fought for some  
14 four days over this. We gave them what they wanted  
15 and the next day they came back and said, "We don't  
16 want that. We want something different". This  
17 continuing lack of leadership and political in-  
18 fighting dragged the strike out 15 weeks. It  
19 wasn't until our companies were forced to withdraw  
20 their reprisals, or so-called reprisals, that we  
21 were able to get anything done. And at this stage,  
22 I must admit that a lot of companies were in such  
23 financial straits that we had to get working.

24 THE COMMISSIONER: At this time,  
25 were the strikers generally without work?

26 MR. DONALDSON: I would estimate  
27 that 95 per cent of them were working and had full  
28 time jobs and were picketing, in some cases the  
29 Hamilton local only required them to picket four  
30 hours per week and they were ending up getting their



1 pay from their work plus their strike pay and in some  
2 cases, making more money than what they would have  
3 made had they been working for a trucking company.

4 MR. POLLOCK: Have you any idea  
5 what the strike pay was?

6 MR. DONALDSON: The strike pay after  
7 the sixth week went to \$15. Then we had the case  
8 of the professional picketer who would picket for  
9 two of his buddies and himself and would pick up  
10 \$45 a week for 12 hours work.

11 MR. POLLOCK: He wasn't certified,  
12 then?

13 MR. DONALDSON: No, sir. We think,  
14 gentlemen, that the trucking industry is a very  
15 essential industry to this province.

16 THE COMMISSIONER: I would just ask  
17 you this: Those men who were working, they would  
18 be working for employers outside of your Bureau?

19 MR. DONALDSON: Yes, they would be  
20 working for taxi companies and non-union truckers  
21 at half the rate they were getting before. They  
22 were working in plants, they were on construction,  
23 anywhere. Mind you, for 15 weeks not one of our  
24 companies attempted to operate. We were afraid  
25 of the consequences.

26 MR. POLLOCK: Would it have been  
27 feasible to operate during that time?

28 MR. DONALDSON: Not unless the  
29 companies could have got back a major portion of  
30 their work force. And trucking, if you are not



1 working in your central, large terminal, you might  
2 as well be shut down right straight across the  
3 province. For instance, if Smith Transport is  
4 struck in Toronto, all of their freight is going  
5 out of the hub and back in, and if the hub is  
6 shut down, everything else is minimal. We think,  
7 gentlemen, in an industry that is so important to  
8 the economy as a whole and so important as a  
9 place of work for some 10 thousand employees and  
10 so many communities depending on it, that this  
11 industry has to be protected against a situation  
12 where union leadership, or the lack of union  
13 leadership, ends up in disruption of major industry.  
14 Just because some individuals are using the timing  
15 and everything else for their own personal gains.

16 MR. POLLOCK: How do you suggest  
17 that that be accomplished?

18 MR. DONALDSON: I would like to make  
19 a suggestion at this stage - that there must be a  
20 return to operations. The employees return to work  
21 and the companies start operating and to settle it  
22 once and for all, compulsory and binding arbitration  
23 on the parties.

24 MR. POLLOCK: This would come into  
25 arbitration, I assume, after a period of time, once  
26 there had been an emergency situation developing.  
27 It is not - your operation isn't the classical,  
28 essential type of operation that the Hydro is or  
29 that hospital workers are.

30 MR. DONALDSON: No, not to the same



1 degree.

2 MR. POLLOCK: The only thing that  
3 causes the emergency, in your circumstances, is the  
4 prolonged withdrawal of operations?

5 MR. DONALDSON: That is right.

6 THE COMMISSIONER: When you say  
7 prolonged, you are talking about two weeks?

8 MR. DONALDSON: No, this went on  
9 for 15 weeks.

10 THE COMMISSIONER: Yes, but you were  
11 speaking about two weeks being a serious situation.

12 MR. DONALDSON: It is in certain  
13 industries, Your Honour, because American Motors  
14 laid off, I believe, 1100 employees in the week  
15 following the start of our strike. Because we are  
16 basically, or we act as a production line for them.  
17 Our trucks are their warehouses for parts and if  
18 they are not getting the parts, they have to shut  
19 down.

20 MR. POLLOCK: So that, I suppose, in  
21 your submission, it would be on the declaration by  
22 the Lieutenant Governor in Council that an emergency  
23 did exist, that at that stage the compulsory  
24 arbitration would be instituted.

25 MR. DONALDSON: Yes. I believe  
26 that unless it is, a direct service industry such  
27 as trucking and police and what have you, that the  
28 right to strike and the right to walk out should be  
29 part of our bargaining, but when either the strike  
30 or the lockout is abused by either party, to the



1 detriment of the industry, the employees or the  
2 economy, that there must be a point where the  
3 government can step in and put a halt to it.

4 MR. POLLOCK: You say where it is  
5 abused by either party. It is not so much the abuse  
6 in this particular circumstance, perhaps because  
7 of internal politics that causes the concern to  
8 the public. It is the fact that the companies  
9 and the unions are shut down.

10 MR. DONALDSON: That is correct.

11 MR. POLLOCK: So that even if both  
12 parties are acting, if you can concede this, in  
13 good faith, and a lockout or a strike continues for  
14 15 weeks or 5 weeks, or whatever the time is, the  
15 emergency is still there so that this type of  
16 operation would be by objective standards.

17 MR. DONALDSON: Yes, that is correct  
18 in a situation such as that.

19 THE COMMISSIONER: Does that call  
20 into existence, more lines outside of your Bureau?

21 MR. DONALDSON: I don't understand  
22 your question.

23 THE COMMISSIONER: Well, you were  
24 saying that the striking men can find employment  
25 with outside employers. Does it lead to the creation  
26 of more outside employment?

27 MR. DONALDSON: Yes. We have found  
28 that in some cases the good men have not returned.  
29 They sought other employment and they stayed there.

30 MR. POLLOCK: They got out of this



1 type of business.

2 MR. DONALDSON: Right, because of  
3 the continuing strikes, which are unnecessary, in our  
4 mind and the companies have lost so much business  
5 as a result of this strike and as an industry and  
6 as a unionized industry, we are only operating at  
7 80 per cent of employment.

8 THE COMMISSIONER: Are the outside  
9 employers, trucking companies, in any way interfered  
10 with by union members?

11 MR. DONALDSON: Yes, sir.

12 THE COMMISSIONER: In what respect?

13 MR. DONALDSON: I can think of a few  
14 classic instances of a small company out of  
15 Brantford, Victoria Transport, that wherever they  
16 went there was a mob picket line following them. In  
17 fact, in some cases they had some of the drivers  
18 pulled right out of the cab, punched in the nose  
19 and told to go home and lock it up.

20 MR. POLLOCK: This was during the  
21 strike?

22 MR. DONALDSON: Right.

23 MR. POLLOCK: But these employees  
24 at Victoria Transport are non-union?

25 MR. DONALDSON: That is correct.

26 MR. POLLOCK: There weren't any  
27 Teamsters or people on strike working there?

28 MR. DONALDSON: Not in the case of  
29 Victoria, no.

30 THE COMMISSIONER: What I meant, really



1 was are these non-union men ever assailed without  
2 a strike, by the other people? For instance, do the  
3 unionized employees of a plant refuse to receive goods?

4 MR. DONALDSON: Oh, every day.

5 THE COMMISSIONER: How do they live?  
6 You have almost 50 per cent outside the Bureau?

7 MR. DONALDSON: That is right. They  
8 live because they operate into companies and the  
9 type of industry where a union card is not required  
10 to get the load on or off. In a case where they  
11 are delivering to a construction site, in many cases  
12 they will deliver to a union carrier and have him  
13 take it in because they know that they can't get  
14 unloaded.

15 THE COMMISSIONER: Well, these outside,  
16 are they relatively small employers?

17 MR. DONALDSON: In some cases, Your  
18 Honour, they are. In one case the the Taggart  
19 Services, which is a party to the Bureau, it has  
20 150 employees which is relatively a large company  
21 in trucking.

22 MR. POLLOCK: And they had considerable  
23 difficulty?

24 MR. DONALDSON: Right.

25 THE CHAIRMAN: Are they able to  
26 confine themselves to such work as will have a  
27 minimum affect by conflict with union men?

28 MR. DONALDSON: Yes.

29 THE COMMISSIONER: And that enables  
30 them to keep going?



MR. DONALDSON: Right, but every once in a while they get into a problem. For instance, Torman Industries, which is a central distributing outfit for people like Eatons and Simpsons, rather than ship their own, they have a pool sort of situation, the union set up a picket line around Torman because Torman was receiving and accepting goods from Taggart Services. Taggart's employees crossed and ours didn't.

MR. POLLOCK: I see, so that they can get it out but they can't get it in.

MR. DONALDSON: Well, their employees were going back and forth with no problem. Torman's were accepting goods while a driver from McAnally who wanted to go in there and make a pickup or delivery was denied access.

MR. POLLOCK: Well, in the example you gave of the construction site, I suppose that this is a parallel that you might find a non-union trucker, knowing that he can't get onto a union site, trans-shipping via a union trucker, but having the employees of the union trucker refusing to handle the goods.

MR. DONALDSON: Right, and this does happen.

MR. POLLOCK: Part, I suppose, of an organizational campaign.

MR. DONALDSON: Right. We are the organizational key for any industry.

THE CHAIRMAN: Have you made attempts



1 to enlarge your membership?

2  
3 MR. DONALDSON: Yes, our membership  
4 has grown and grown over the years. But you see,  
5 many of these companies on the outside of the Bureau,  
6 shall we say, have agreements with the Canadian  
7 Brotherhood, the Canadian Transport Workers' Union,  
8 Oil Chemical and Atomic, they have no problems.

9 MR. POLLOCK: And obviously, the  
10 non-union employers wouldn't have any necessity  
11 for recourse to your services.

12 MR. DONALDSON: No. But, as a  
13 result, in our mind, the political in-fighting  
14 and politics within the local unions, we had a  
15 15 week strike from which some companies will  
16 never recover and some employees will never recover.  
17 They have left the industry.

18 THE COMMISSIONER: Well, what would  
19 you say? Now this is not even a suggestion, but  
20 supposing the government took charge of them and  
21 said "This internal trucking within Ontario is  
22 essential to the industrial life of Ontario. We  
23 will take charge of the licencing, by limiting  
24 the licences to what we consider to be an adequate  
25 service".

26 MR. DONALDSON: They do that now,  
27 Your Honour. For a company to get a licence to  
28 operate in Ontario, you have to have public need  
29 and necessity.

30 THE COMMISSIONER: Well, that is  
the usual requirement, then.

ESTATE PLANNING

MR. DOLAN: ... in Key, one member rapid

Illustra of these companies to the outside of the business.

say, "We have agreements with the Canadian

Brookgreen, the Gaudia, & Support Works, Inc.

of Chemistry and Atomic, they have no

Mr. PORTOCK: Any options, etc.

non-monetary employment would not be a necessary condition for a minimum wage.

for recognition to your service.

MR. DONALDSON: No. But, as s

result, in our mind, the logical interpretation

and political influence within the local community, we had to be very careful in our choice of names.

The week strike from which some combatives will

never recover, and some employees will never recover.

• *the first base found naturally.*

## THE COMMISSIONER: Well, what might

Now this is not even a suggestion, but

subpoenaing the Government took charge of them and

This is the first step in the process of identifying and addressing the root causes of the problem.

Measuring the industrial life of Ontario. Measuring the industrial life of Ontario.

will take charge of the magazine by limiting

The significance of what we consider to be an adequate

PREFACE.

MR. DONALDSON: They go page 100.

operate in Ontario, you have to have multiple needs

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MR. DONALDSON: Yes, it controls the entry into the field.

THE CHAIRMAN: Then I suppose these outside men are essential to that too?

MR. DONALDSON: That is right.

MR. POLLOCK: Well, assuming that you would get compulsory arbitration imposed in those circumstances, what would be the guarantee that the union, who hasn't been acting in some cases responsibly, would accept the arbitration award?

MR. DONALDSON: There is no guarantee, I don't think, but I think if an arbitration award is handed down, the union leaders or politicians they are off the hook. They can say, "I didn't do it, the government appointed body did".

MR. POLLOCK: Do you think they would like that any better?

MR. DONALDSON: The union leaders wouldn't because they couldn't use the strike tactic again, to gain additional ends at the expense of the employers and their own employees.

MR. POLLOCK: But on the basis of the original settlement, which was endorsed by the negotiating committee of the union, if they accepted it, then they couldn't sell that to the membership so, from what we have heard from other sources, it would be much more difficult for a membership to be convinced merely by the inter-position of an government agency.



MR. DONALDSON: The problem is, and it has always been our experience, that only 10 per cent of the membership attends membership meetings. This is the vocal element in the union. The responsible employee, for some reason or other and I imagine it is the same as the reasons for, "Well, why didn't you vote in the last provincial election". He just can't be bothered.

MR. POLLOCK: But even in circumstances where you do get an agreement that is signed and approved by the majority, then you are back into the wildcat situation, so that if this vocal minority were to take this compulsory arbitration award and use it in the same manner as they use the collective agreement today, it is no good and it has been imposed on us, which is a stronger rallying cry than something else, and carry on all kinds of wildcat activities.

MR. DONALDSON: I think, then, at that stage there has to be an ultimate authority, an ultimate end to something.

THE COMMISSIONER: Well, suppose you made the term of the agreement give you the right of action against the union for damages?

MR. DONALDSON: Right, and this would settle part of it, Your Honour. But, if the Teamsters, as a whole, said "No, we are not going back to work under the terms of it ...." ---

THE COMMISSIONER: But that doesn't clear the union of its liability.



MR. DONALDSON: Correct, and maybe this is one way of insuring that arbitration awards would be honoured.

MR. POLLOCK: In these circumstances it is not the governing body of the union that has the ostensible control of the union, that is going back on the agreement, it is this other group, the rump group, or the opposition parties that are causing a lot of the wildcat activity. So that penalizing the majority is not going to have very much affect on the minority.

MR. DONALDSON: No. But ----

THE COMMISSIONER: Well, if the union is liable to damages, the the majority of the union will go to work.

MR. DONALDSON: They will, yes,  
the majority of the sound-thinking employees will.

THE COMMISSIONER: And they will observe the legality of that provision. It may be that you will have some of these other men and if they are in the minority, I don't see any difficulty. If they are in the majority, then there may be, of course.

MR. POLLOCK: I suppose, too, that if you have arbitration, and the decision is made by a third party, then the political aspect of the wildcat action is somewhat removed.

MR. DONALDSON: It is removed completely.

MR. BOLLOCK: They can't blame the



1 party in power for this type of agreement.

2 MR. DONALDSON: That is right.

3 MR. POLLOCK: But you still run  
4 into the difficulty of the illegal action and  
5 harassment as long as there exists within a union,  
6 politics.

7 MR. DONALDSON: Yes, but at least  
8 with compulsory arbitration you can eliminate, in  
9 our opinion, at least 90 per cent of that problem.

10 MR. POLLOCK: By removing the  
11 motivation.

12 MR. DONALDSON: Right.

13 THE CHAIRMAN: Or by removing any  
14 reason for complaint against the action of a group.

15 MR. DONALDSON: Yes.

16 THE COMMISSIONER: It strikes me  
17 that if we pay that respect to an injunction, issued  
18 by a court, then there would be a tendency to  
19 respect an award if it were found in an industrial  
20 court which is not, strictly speaking, an arbitration  
21 but would have the equivalent. For instance, you  
22 could take in the case of a court, there would be  
23 a permanence of the court in its members. And  
24 they would be taken from labour and management as  
25 well. So it would seem to me that since they are  
26 really, at least admonished by an injunction, they  
27 might find it much easier to respect the judgment  
28 of a tribunal which has established itself in  
29 acceptability.

30 MR. DONALDSON: I think once that



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1 tribunal had its establishment, the regular tripartite  
2 arbitration or whether it is the permanent  
3 labour court with a member of the judiciary acting  
4 as chairman, regardless of what the vehicle is,  
5 once this vehicle is used and there is a certain  
6 amount of respect built up for the vehicle, then  
7 I think one or two arbitration cases, and it would  
8 eliminate the politics and the use of politics  
9 in future.

10 THE COMMISSIONER: It strikes me  
11 that that couldn't but be influential.

12 MR. DONALDSON: Well, Mr. Chairman,  
13 gentlemen, this is basically, we have tried to build  
14 our recommendations around our experience, and  
15 really erect the recommendations as we set out at  
16 the starting of page 52 through to and including  
17 54, are tied in with the entire picture. No. 1,  
18 we say that injunctions, we need them. I think  
19 we have exhibited the reason why this particular  
20 industry has to have them, because of this  
21 continuing harassment and violence and intimidation  
22 and what have you.

23 We say in No. 2 that in our opinion  
24 one way of cutting down, whether it be illegal or  
25 a legal strike, the question of violence and  
26 burning of trucks and beating up of employees,  
27 is to limit the picketing to the struck plant and  
28 limiting it only to the employees of that plant.

29 MR. POLLOCK: It certainly might be  
30 effective in those circumstances where the strike is



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1 legal but all picketing in an illegal or wildcat  
2 strike is illegal today.

3 MR. DONALDSON: Right, but it is  
4 our experience that if it is our employees that have  
5 been called out on wildcat by the union, or whether  
6 they are out on a legal strike, that they respect  
7 that that equipment in there, in the company's  
8 property, - - - as long as it is operating  
9 efficiently, their jobs are there still. If the  
10 trucks are burned and the trailers are burned and  
11 the windows are smashed and tires are smashed,  
12 they could conceivably be out of a job.

13 MR. POLLOCK: So that you would  
14 have to identify someone physically, the employees  
15 of your particular plant.

16 MR. DONALDSON: Yes, and it isn't  
17 hard with the branch manager there. They are known  
18 to the members of supervision. There would be  
19 no problem, Your Honour, there may be a certain  
20 percentage that would be new employees and relatively  
21 unknown but they could be easily traced down.

22 Item No. 3, we say that there should  
23 be more strict enforcement of our present laws  
24 by enforcement agencies, and particularly by the  
25 courts.

26 MR. POLLOCK: You mean in those  
27 cases that do go to prosecution there ought to be a  
28 more significant penalty imposed?

29 MR. DONALDSON: Yes, because I think  
30 we are all too prone to adopt the attitude, "Well, it



1 is all over" and the kiss and make-up theory is  
2 the best way to describe it.

3 THE COMMISSIONER: I think that is  
4 a rather sloppy, sentimental thing.

5 MR. DONALDSON: I think so, too, sir.  
6 And I think the only way we build up self respect  
7 for our laws is to punish those who offend.

8 THE COMMISSIONER: There is no need  
9 to generate hostility but I don't think I could  
10 bring myself to go to the other extreme.

11 MR. DONALDSON: We have had situations,  
12 Your Honour, particularly one in the Hamilton area  
13 where the president of the local, along with some of  
14 the other executive officers, laid down and blocked  
15 entry to a government customs warehouse. When  
16 they were removed by the police, some of them were  
17 charged and in one case, the president of the Hamilton  
18 local, according to the newspaper report of the  
19 proceedings, the Judge who sat on the case said  
20 he was imposing the minimum fine because he didn't  
21 want to open old wounds and make an example of  
22 the man. Now, in my humble opinion, if a man is  
23 made an example of, there would be fewer other people  
24 trying to get away with things like this.

25 THE COMMISSIONER: What court  
26 decided that?

27 MR. DONALDSON: This was a court in  
28 Hamilton.

29 THE COMMISSIONER: Was it a Magistrate?

30 MR. DONALDSON: Yes, I think it was



1 Magistrate Bennett, as a matter of fact.

2 Now, item No. 4, we say there should  
3 be a violation of the Ontario Labour Relations Act  
4 for an employee to refuse to cross a picket line  
5 except - and we acknowledge there are cases where  
6 he may ----

7 THE COMMISSIONER: Of course, if a  
8 person suffers physical harm, the difficulty is to  
9 get the reality.

10 MR. DONALDSON: Yes, it is a nebulous  
11 quantity, I must admit.

12 MR. POLLOCK: Of course, that really  
13 is a matter of contract. Unless you provide it  
14 in your collective agreement, that they have ability  
15 to respect picket lines, then strictly by your  
16 arrangement with them to work, they are in breach.

17 MR. DONALDSON: That is correct, but  
18 in our position, if we try and do something against  
19 that employee we find ourselves faced with a wildcat  
20 strike.

21 MR. POLLOCK: But surely you would  
22 have the same wildcat strike if you proceeded to  
23 prosecute them under the Labour Relations Act.

24 MR. DONALDSON: Right. So that  
25 what we are saying really is, that if unions were  
26 made financially responsible for their actions  
27 and controllable on wildcat strikes, this, in itself  
28 would not be necessary.

29 THE COMMISSIONER: You see there  
30 are so many small details, different aspects that it



1 is impossible to make rules to cover every instance  
2 and so you have got to have something that will  
3 effect the greatest influence but not a perfect  
4 influence.

5 MR. DONALDSON: Right, I agree  
6 with you, Your Honour, that is we can correct the  
7 core-the rest of it will take care of itself in  
8 time.

9 THE COMMISSIONER: Yes, and you  
10 have to contemplate some degree of incompleteness.

11 MR. DONALDSON: Yes, you can't  
12 legislate against everything. Now the fifth point  
13 is something that this industry is faced with all  
14 the time. That is hot cargo. If there is a  
15 strike on, as there was at Otis Elevator in Hamilton  
16 our employees refused to handle goods consigned  
17 either to or from Otis Elevator. This is just one  
18 example that goes on day in and day out.

19 I think No. 6 is the key to the whole  
20 situation.

21 THE COMMISSIONER: Well, you cover  
22 all of the provisions. Do you think it is all  
23 necessary for your purposes?

24 MR. POLLOCK: You mean all of the  
25 Rights of Labour Act.

26 MR. DONALDSON: Yes.

27 MR. POLLOCK: Well, there were some  
28 points relating to criminal conspiracy. Are you  
29 interested in them?

30 MR. DONALDSON: No, we are only



1 interested in making the union a legal entity and  
2 answerable to the courts.

3 MR. POLLOCK: Well, that is section  
4 3, subsection 2.

5 MR. DONALDSON: I think if this  
6 were instituted it is one of the most important  
7 things that can be done to establish responsible  
8 trade unionism and to cut out wildcat strikes.

9 Mind you, it won't cut out the wildcat strikes of  
10 a half hour, not in our industry.

11 MR. POLLOCK: It won't even cut  
12 out any of these actions unless it is enforced,  
13 and that is the crux of the whole matter. The  
14 issue becomes/bargainable and negotiable item  
15 and as soon as that happens and it is bargained away,  
16 you may as well not have the authority to sue or  
17 commence prosecutions.

18 MR. DONALDSON: This is why we are  
19 making a strong recommendation that once an action  
20 is lodged by either party, let us say it is management  
21 who conducted an illegal lockout and the union  
22 applies for leave to prosecute, or if the union sues  
23 the company for loss of wages, that those two parties  
24 do not have the right to bargain on matters of  
25 public policy, because public policy states there  
26 shall be no illegal lockout or strike. This should  
27 be written into the statute.

28 MR. POLLOCK: It would make it an  
29 unfair labour practice I suppose, enforceable by  
30 the Department of Labour with a penalty attaching



1 of \$1000 a day for its continuance.

2 MR. DONALDSON: Yes, but it would have  
3 to be enforced by a third party, perhaps as the  
4 chairman was suggesting, the labour court may be  
5 the answer.

6 THE COMMISSIONER: Well, if you do  
7 put the enforcement in the hands of an independent,  
8 outside authority, you really effect what you say  
9 that you can't settle.

10 MR. DONALDSON: Right, but if either  
11 party has the right to proceed with the action  
12 against the other, I say that the only time that you  
13 need that third party is that if either one of those  
14 parties bargains away the right to do it.

15 THE COMMISSIONER: I don't quite  
16 understand that because if you put it exclusively  
17 in the hands of an independent, the other parties  
18 haven't anything to do with it.

19 MR. DONALDSON: Correct, and that  
20 is what I mean, Your Honour, that either party, once  
21 they initiate an action against the other for violation  
22 of public policy, they must, by law, proceed with  
23 it. They cannot agree ----

24 THE COMMISSIONER: Well, you have  
25 heard that you can't compound a felony, but the  
26 question is, can you compound a misdemeanour, a  
27 minor infraction.

28 MR. POLLOCK: Of course, I think  
29 we are at cross-purposes on this again because we  
30 are talking about civil actions as well.



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THE COMMISSIONER: No, I am talking about the penalty under the Act.

MR. POLLOCK: Well the Rights of Labour Act refer to the civil actions.

THE COMMISSIONER: Yes, I see, that is true, but you can't put it in the hands of a third person, whether or not you have a civil action.

MR. DONALDSON: Yes, I agree, in  
that case. Your Honour.

MR. POLLOCK: I think the only thing you can do to cover both of those is to make it a non-bargainable item, either civil or criminal proceedings, and say that its an unfair labour practice, but to make that initial settlement.

MR. DONALDSON: Right.

MR. POLLOCK: If the parties want to settle it on their own, outside of the bargaining, that is another question. If it were the case that parties will settle these things and it has been the experience in British Columbia who have, even before 1959 been able to sue a trade union, there has only been one action commenced. There is additional reluctance.

THE COMMISSIONER: Why say it is non-negotiable when the moment the signature is put on, then you negotiate and settle it.

MR. DONALDSON: I don't think it is in the long term interest of the parties that they do.

THE COMMISSIONER: Suppose they say



1 "We won't go to work unless you do, regardless of  
2 our settlement". Then they can't bargain it but  
3 they can say, "Well, we can't force that on you  
4 but we won't go to work until that is removed".

5 MR. DONALDSON: I think they would  
6 then be letting themselves in for further civil  
7 action by doing it.

8 THE COMMISSIONER: Well, suppose  
9 they refuse to sign an agreement, the only thing  
10 you can do there is to create the agreement by law  
11 and give you a right of claim against them for  
12 breach of that.

13 MR. POLLOCK: If you can demonstrate  
14 on this basis that the refusal to sign it because  
15 you won't settle that action then you can proceed  
16 against them for penalties under the Labour Relations  
17 is  
18 Act if it/ an unfair labour practice.

19 MR. DONALDSON: We had a situation  
20 in 1958 where the union refused sign the agreement.  
21 We applied all the terms and conditions and they  
22 applied to the board to have the agreement upset.  
23 that  
24 The board said the mere fact/they refused to put  
25 their signature to it, as long as the terms and  
conditions applied, there was an agreement in  
existence.

26 Now, Item No. 7, this is in connection  
27 with an application before the board for leave to  
28 prosecute under section 74, subsection (1), we must  
29 first get the permission of the board to proceed to  
30 a court of law. It is our opinion that an appointed



1 government body is not the appropriate body to rule  
2 on this. It should be a court.

3 MR. POLLOCK: Do you think there  
4 would be more prosecutions if you didn't have to  
5 get leave?

6 MR. DONALDSON: The problem with  
7 be leave, I think, in the case of Ontario, it would  
8 be a case of the refusal of the board to give it  
9 to you but the additional cost involved, where  
10 the small company with 10 employees, if it has  
11 a wildcat strike it would cost a considerable sum  
12 to appear before the board and their employees  
13 turn up at the board hearing and they involve  
14 themselves and they close down the operations for  
15 another day. Rather than go through this operation  
16 which is so costly, the company just throws up its  
17 hands and says "No".

18 MR. POLLOCK: If you had this  
19 provision, and it has been suggested before that  
20 the compounding of steps of declarations of strikes  
21 unlawful and then leave to prosecute and then the  
22 final prosecution, it is too complex, that the  
23 employer ought only have to go and get the first  
24 step, that is this declaration that the strike is  
25 unlawful and then the enforcement power shifts to  
26 the prosecuting authority in the Department of  
27 Labour or something like that, similar to the  
28 enforcement branch of the National Labour Relations  
29 Board in the United States.

30 MR. DONALDSON: But our experience



1 has been with the Ontario Board, that once the boys  
2 are back to work if you apply for a declaration  
3 you won't get it.

4 MR. POLLOCK: Well, once the boys  
5 are back to work, do you want it?

6 MR. DONALDSON: I don't think it is  
7 really necessary. This is why I say, applying to  
8 the board for permission to get a leave to prosecute  
9 or on declaration, it doesn't accomplish any purpose.  
10 It is merely an unnecessary step.

11 THE COMMISSIONER: Well, it strikes  
12 me that since the civil court does not recognize  
13 that as being conclusive you have to show before  
14 the court the same fact. The only purpose in  
15 putting it in, surely was to preclude the necessity  
16 of that and if it weren't that, then what was its  
17 purpose?

18 MR. DONALDSON: I think, originally,  
19 the purpose was government control, a cooling-off  
20 type of deal.

21 MR. POLLOCK: It was a declaratory  
22 action as far as the employees were concerned. It  
23 would give the vehicle that the board would say to  
24 the employees that in a particular case where they  
25 weren't sure what their action was, whether it was  
26 unlawful, it would get this declaration and the  
27 result has been, from the experience of the board,  
28 as I understand it, successful in those areas because  
29 in a large number of cases they have gone back to  
30 work without the necessity of going any further.



1 MR. DONALDSON: That is right.

2 THE COMMISSIONER: Well, they may  
3 be blocked by that but, nevertheless, it doesn't  
4 prevent a prosecution with relief of the board.  
5 You have to prove the same thing, you have to prove  
6 to the satisfaction of the civil court that this  
7 was an illegal strike.

8 MR. DONALDSON: Yes, and I am saying  
9 it is merely a duplication.

10 THE COMMISSIONER: I am referring  
11 to the Magistrate's Court here.

12 MR. DONALDSON: In No. 8 we are  
13 recommending an over-riding licencing system being  
14 set up mainly to control short duration wildcats  
15 where there is no question that the union is wrong,  
16 it becomes impossible to prove the amount of  
17 liability because if an operation is held up for  
18 20 minutes or half an hour, the company doesn't  
19 lose any freight as a result of it or doesn't incur  
20 any special losses. There is, in our mind, no  
21 control.

22 MR. POLLOCK: But what does this  
23 licencing do?

24 MR. DONALDSON: What we are proposing  
25 is that if the union has a history of wildcat  
26 strikes of short duration that their certification  
27 and bargaining rights can be withdrawn by a  
28 government body if it is proven that this history  
29 does exist.

30 MR. POLLOCK: Do you think it would



1 have any effect in those cases where, as you told  
2 me earlier, many of your agreements are the basis  
3 of "voluntary" recognition. If the union is not  
4 concerned about its reputation, it being a respectable  
5 union and one that follows the law, then being  
6 decertified or losing its licence isn't going to  
7 have any effect.

8 MR. DONALDSON: It isn't going to  
9 be of any great consequence, no.

10 MR. POLLOCK: So, only the  
11 respectable unions would be concerned with that and  
12 only the weak unions that depend on the administrative  
13 procedure of certification to compel the employer  
14 to bargain, by giving them a little paper with  
15 the order on it. But those who have got de facto  
16 power to command bargaining, don't need de jure  
17 power.

18 MR. DONALDSON: The only thing that  
19 I can see would be accomplished would be a union  
20 such as the Teamsters, that if the board was to  
21 say that their contract is null and void because  
22 they had such a history, one month without dues,  
23 then the Teamsters' Union would be in a very bad  
24 position.

25 MR. POLLOCK: Well, one month  
26 without dues and one month without employees and  
27 you are back into a strike again.

28 MR. DONALDSON: Yes, you can lead  
29 a horse to water but you can't make him drink.

30 No. 9, I think we covered when



1 we were dealing with the question of multi-employer  
2 bargaining and this is the right to strike and the  
3 right to lockout must be controlled in a service  
4 industry and perhaps maybe the vehicle that we  
5 are proposing is a round vehicle, but I think the  
6 end is an important item, not only from the aspect  
7 of the company but from the employee and the public  
8 in general.

9 MR. POLLOCK: Well, there is a  
10 similar type of provision in Alberta that provides  
11 for a declaration in the case of emergency, that  
12 many things can be done.

13 MR. DONALDSON: Item No. 10 - what  
14 we are basically proposing here is that if any  
15 group of employees is elected as a bargaining  
16 committee, that they should have the power to  
17 consummate an agreement and prevent political  
18 situations. At least when they come to a meeting  
19 with a bargaining committee they should have the  
20 authority of the committee to consummate it.

21 MR. POLLOCK: That sets up a very  
22 basic difficulty in the trade union management  
23 situation where you find that the union has to  
24 act as a democratic body, so to speak, and that  
25 one of the dangers inherent in this type of  
26 arrangement where a few can control an election  
27 meeting constituting the bargaining committee and  
28 then the so-called sweetheart agreement can be  
29 arrived at and not uncommon to your industry ----

30 MR. DONALDSON: Or the opposite, they



1 could have all the rebels appointed. But at least  
2 when you did reach an agreement you knew you had  
3 one because we signed an agreement four times before  
4 we finally got one.

5 THE COMMISSIONER: But suppose you  
6 say on your part also that it needs to be confirmed  
7 by some large body behind you.

8 MR. DONALDSON: We have the authority  
9 and the power of attorney.

10 THE COMMISSIONER: I know you have ,  
11 but suppose you put yourself in the same position  
12 as the union and say, "We haven't authority  
13 and we will recommend and you will recommend" would  
14 it have any effect at all, or what effect would it  
15 have? It would be this, that they would be  
16 uncertain whether your proposals were acceptable  
17 to the shareholders or any group or even where  
18 the bureau was acting, it must be supported by the  
19 majority of the members of that bureau.

20 MR. TEAKLE: That is our present  
21 position, Your Honour, but I am sure we could change  
22 that very quickly and the negotiating committee  
23 would have more to negotiate.

24 THE COMMISSIONER: On both sides, then.  
25 If that were so, why not take that position and  
26 automatically it would close things up. As it is  
27 today, it is a one-sided affair.

28 MR. DONALDSON: That is right.

29 MR. TEAKLE: We have never yet  
30 concluded an agreement in the 15 - 20 years I have



1       been connected with the bureau but what we have had to  
2       go back to the union and say "Our members won't  
3       accept this".    We have never had to do that.

4                    MR. POLLOCK:    I think you put  
5        your finger on the problem earlier, the insecure  
6        political position of these people makes them  
7        leaders in name and followers in fact.    I suppose  
8        that is the difficulty.    If you have got a strong  
9        leadership, then you can go back and convince  
10       these people and there is no difficulty, and they  
11       have to sell it.    I suppose that is part of your  
12       next - or concluding part of this suggestion, the  
13       relationship of explanation to the membership  
14       in secret ballot.

15                    MR. DONALDSON:    And a mail vote  
16        conducted by the Department of Labour.    We can  
17        only revert back to our experience and say we  
18        had two votes where the unions handled it and they  
19        were turned down.    The third vote was mailed to  
20        the employee's home which, in our mind, reaches  
21        the responsible element in the union and the returns  
22        came back to the Department of Labour and were counted  
23        by the Department of Labour and the vote was  
24        two to one in favour of acceptance.

25                    THE CHAIRMAN:    I think you would  
26        have the difficulty of doing away with the  
27        requirements of the union pass on this.

28                    MR. DONALDSON:    You could have  
29        a voting similar procedure to that.

30                    THE COMMISSIONER:    Oh, yes, but



1 it wouldn't, if the voting procedure resulted in  
2 rejection by the majority.

3 MR. POLLOCK: You are not concerned  
4 that it is going to be rejected by a majority  
5 that is informed of it. You are concerned that  
6 the majority never really get an opportunity to  
7 express their true views.

8 MR. DONALDSON: That is right.

9 THE COMMISSIONER: Well, is that  
10 so, because it has been stressed that you give  
11 your case away. You are implying that you go  
12 up to this level and the majority say, "Well, they  
13 have gone that high, they will go a little higher".

14 MR. DONALDSON: But our experience  
15 has been, and we have had reports from union  
16 ratification meetings that the fellows are leaning  
17 over their shoulders, watching which way they voted  
18 and said, "You had better not vote that way, that  
19 is for acceptance". The rebel element stands beside  
20 the guy when he tries to mark his ballot.

21 THE COMMISSIONER: Well, that is  
22 something similar, of course, but it all depends  
23 on the extent of the influence of the rebel and also  
24 you don't know ----

25 MR. DONALDSON: That is right  
26 and there is also ----

27 THE COMMISSIONER: But your position  
28 if it is rejected by any means, false or legitimate,  
29 your position is somewhat compromised.

30 MR. DONALDSON: Yes, we are saying



1 if it got out to the majority of the people and  
2 we get it back and it is rejected, at least we  
3 know we have got a true picture of the feeling of  
4 the employees. We know where we have to go.

5 Now, item No. 11, 12 and 13 are  
6 really in the same category as the crossing of  
7 picket lines. It is more of a peripheral problem  
8 than it is the core situation. However, No. 14  
9 to us is a very important item. Right now and  
10 under the Act the real stringent law concerns  
11 the 36 month contract.

12 In a strong union, such as the  
13 Teamsters, employees of a small company who are  
14 fed up with repeated wildcats and what have you  
15 and lengthy legal strike situations, the opportunity  
16 is not there for them to apply for decertification.

17 MR. POLLOCK: But through your  
18 agreement, aren't you open after the end of the  
19 second year?

20 MR. DONALDSON: I don't think so,  
21 not under the new revisions. I believe the only  
22 chance is a one year agreement on 12 months  
23 and anything above two years. I am sorry, you  
24 are correct, on the two year agreement, but in the  
25 three year agreement it is only in the final  
26 two months of its operation.

27 MR. POLLOCK: No, isn't it that  
28 you are open after the 23rd and 24th month, or  
29 whatever it is, in a three year agreement?

30 MR. DONALDSON: It used to be but



1 if my memory serves me right, "Section 43 A in  
2 the case of a collective agreement for a term  
3 of not more than 3 years only after the commencement  
4 of the last two months of its operation."

5 MR. POLLOCK: Thank you, I stand  
6 corrected.

7 MR. DONALDSON: And during a legal  
8 strike situation, my own personal experience,  
9 I was approached by phone calls by employees,  
10 "How do we get out, we are fed up". But they  
11 would have had to, under the regulations of the  
12 Act, as they exist now, they would have had to  
13 remain on strike until September and further, May,  
14 June, July, August and September, four more months  
15 in order to make an application. It basically  
16 boils down to one year after the date a conciliation  
17 officer was appointed. He was appointed on the  
18 14th of September, 1965.

19 MR. POLLOCK: Of course, in some  
20 circumstances they are protected when there is no  
21 agreement for say, ten months. In a first agreement  
22 situation there is nothing really outrageous about  
23 that length of time. It takes quite a while to  
24 bargain a new agreement so that the closed period  
25 for ten months is really a period that permits ----

26 MR. DONALDSON: It permits this  
27 type of thing. In our line, a multi-employer in  
28 a multi-union situation, it has been in existence  
29 for years. It is time it should be relaxed.

30 MR. POLLOCK: Well, perhaps to the



1 extent - I don't know the reason why, I thought they  
2 had it after two years you could move in and open  
3 the field again, but I guess not. But it would be  
4 an easy way for a union to avoid the consequences  
5 of a contract. I suppose they could get another  
6 local or form themselves into another group,  
7 decertify and then the collective agreement doesn't  
8 exist any more, and then they are back into a  
9 negotiating position.

10 MR. DONALDSON: There are inherent  
11 dangers there but I think employers should be  
12 allowed a greater freedom of choice.

13 MR. POLLOCK: What about periodically  
14 sending to every employer in the province, sending  
15 around a ballot to all the employees in the province  
16 saying, "Would you like to have a union in your  
17 plant". You wouldn't support that?

18 MR. DONALDSON: No.

19 No. 15 ties in very tightly with  
20 the overall situation. We say the right to bargain  
21 on issues of public policy should be prohibited by  
22 law.

23 Point No. 16, there should not be  
24 any requirement of law for continuing negotiations  
25 during the term of a collective agreement. In our  
26 industry we have set up special monthly meetings  
27 that are required under the terms of the contract  
28 to administrate and try and work out the problems  
29 as we go along through the year and it has worked.  
30 And through this vehicle we have avoided the necessity



1 of the continuing harassments in respect to items  
2 that neither party thought of. It is not  
3 negotiation, mind you, it is policy.

4 MR. POLLOCK: It is a mutual  
5 interpretation, I suppose, of the agreement.

6 MR. DONALDSON: That is right.

7 MR. POLLOCK: At those meetings,  
8 perhaps some of the negotiations are done in some  
9 of the - at least the initial stages of education  
10 and initial explanation.

11 MR. DONALDSON: Yes, and this  
12 works out during the period for the next one.

13 MR. POLLOCK: Well, that is a happy  
14 arrangement if it can be achieved voluntarily  
15 but there are some people who don't respect that  
16 thesis and they feel that once you have signed a  
17 contract, "I don't want to see you until two years  
18 from now and then we will fight again".

19 MR. DONALDSON: My theory is that  
20 you start negotiating your next contract as soon  
21 as you sign the first one.

22 THE COMMISSIONER: Well, there  
23 certainly should be no objection to the discussion  
24 question. I would think it would have beneficial  
25 effects not only in ventilating the conditions of  
26 dispute but also it is necessary and I have no  
27 doubt that it is present in many of your organizations.  
28 You dissipate hostile attitudes. They don't accomplish  
29 anything.

30 MR. DONALDSON: If this is followed



1 through by both parties in good faith, this  
2 discussion as you would say, to determine the  
3 agreement, you eliminate the hot issues from the  
4 bargaining table that could lead to an eruption.

5 MR. POLLOCK: Well, is there  
6 anything that any of the other members would  
7 like to say? Mr. Mathers?

8 MR. MATHERS: No, sir, I think it  
9 has been well covered by Mr. Donaldson and we  
10 are right behind him. He has done a beautiful  
11 job on this submission and I have nothing further  
12 to say.

13 MR. TEAKLE: I am tremendously  
14 relieved that I have had the job done for me. Thank  
15 you.

16 MR. TAYLOR: No, thank you, I have  
17 nothing.

18 MR. LEATHERDALE: I have nothing  
19 to say, thank you.

20 MR. POLLOCK: Well, we are certainly  
21 thankful for this presentation.

22 THE COMMISSIONER: Yes, you have  
23 covered the points, I must say, that are important  
24 and you have done it fairly. There may be room in  
25 some cases for differences of opinion but the  
26 object, I think is clear that this is more or less  
27 an essential industry. I wouldn't commit myself  
28 to that, but it is a very important industry and  
29 serving a very important function for the province.

30 MR. TEAKLE: Frankly, Your Honour, I



1 think it is almost as important as the railroad  
2 but the public don't accept that. You watch  
3 across the States and you have got consideration  
4 right away by the houses. The railways are  
5 a problem but not the trucks. Yet in many  
6 industries, many stores and establishments of  
7 all kinds are just as dependent and more dependent  
8 on truck than they are on rail.

9 THE COMMISSIONER: I would say  
10 that my reservation is that it isn't accepted  
11 generally.

12 MR. TEAKLE: Yes, but they should  
13 be. They are parallel. Incidentally, more lately  
14 I have become a railway employee so maybe I shouldn't  
15 be talking that way.

16 MR. DONALDSON: On behalf of the  
17 group, Mr. Chairman and Mr. Pollock, I would like  
18 to/ you, thank on behalf of the group, for letting us  
19 present our views on this.

20 MR. POLLOCK: The Commission is  
21 adjourned until 10:00 o'clock tomorrow morning.

22 ---Adjournment.  
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